

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 265 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 27-19 IS ADDED TO THE INDIANA CODE AS
- 4 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 5 2013]:
- 6 **ARTICLE 19. OFFICE OF INSURANCE CONSUMER**
- 7 **COUNSELOR**
- 8 **Chapter 1. Definitions**
- 9 **Sec. 1. As used in this chapter, "consumer" means any person**
- 10 **that purchases health insurance.**
- 11 **Sec. 2. As used in this chapter, "council" means the advisory**
- 12 **council to the office of insurance consumer counselor created**
- 13 **under IC 27-19-4.**
- 14 **Sec. 3. As used in this chapter, "counselor" means the insurance**
- 15 **consumer counselor appointed under IC 27-19-3.**
- 16 **Sec. 4. As used in this chapter, "department" refers to the**
- 17 **department of insurance created by IC 27-1-1-1.**
- 18 **Sec. 5. As used in this chapter, "health insurance" means:**
- 19 **(1) a policy of accident and sickness insurance (as defined in**
- 20 **IC 27-8-5-1); or**
- 21 **(2) an individual contract or group contract (as those terms**
- 22 **are defined in IC 27-13-1).**
- 23 **Sec. 6. As used in this chapter, "health insurer" means a person**
- 24 **that issues or delivers a policy or contract of health insurance.**

1 **Sec. 7. As used in this chapter, "office" refers to the office of**
2 **insurance consumer counselor established by IC 27-19-2.**

3 **Chapter 2. Establishment of Office of Insurance Consumer**
4 **Counselor**

5 **Sec. 1. The office of insurance consumer counselor is**
6 **established.**

7 **Sec. 2. The office is administered by the counselor appointed**
8 **under IC 27-19-3.**

9 **Chapter 3. Insurance Consumer Counselor**

10 **Sec. 1. The governor shall appoint an insurance consumer**
11 **counselor, for a term of four (4) years at a salary to be fixed by the**
12 **governor.**

13 **Sec. 2. The counselor:**

- 14 (1) serves at the pleasure of the governor; and
- 15 (2) must be a practicing attorney and qualified by knowledge
- 16 and experience to practice in insurance regulatory
- 17 proceedings.

18 **Sec. 3. The counselor shall apply the counselor's full efforts to**
19 **the duties of the office and may not engage in any occupation,**
20 **practice, profession, or business that would conflict with the duties**
21 **of the office.**

22 **Sec. 4. (a) The counselor may:**

- 23 (1) provide health insurance and managed care education to
- 24 consumers and health care providers; and
- 25 (2) advocate for, and appear on behalf of, consumers in
- 26 proceedings involving health insurance rates, policy or
- 27 contract availability, health insurance coverage disputes,
- 28 applications for health insurance, managed care issues, and
- 29 any other consumer issue related to health insurance or
- 30 payment for health care services, including:
 - 31 (A) health insurer appeals;
 - 32 (B) health insurance external reviews under IC 27-8-29
 - 33 and IC 27-13-10.1;
 - 34 (C) hearings before the department or another state
 - 35 agency;
 - 36 (D) appeals from orders of the department or another state
 - 37 agency;
 - 38 (E) actions in court; and
 - 39 (F) proceedings before federal agencies.

40 **(b) The counselor shall decide whether to appeal an order of the**
41 **department and may on the counselor's own motion initiate an**
42 **appeal.**

43 **Sec. 5. A health insurer and the department:**

- 44 (1) shall immediately notify the counselor of the institution of
- 45 an appeal or proceeding described in section 4 of this chapter
- 46 and shall transmit to the counselor a copy of the complaint;
- 47 and

- 1 (2) may not proceed on the appeal or proceeding until the
2 counselor has been given at least ten (10) days notice, unless
3 the counselor waived the notice.
- 4 **Sec. 6. The counselor:**
- 5 (1) may call the counselor's own witnesses and may require
6 the production for examination of books and papers relating
7 to a matter described in section 4 of this chapter;
8 (2) has the right, with the consent of the consumer, to amend
9 the complaint as the counselor considers advisable; and
10 (3) has charge of the interests of the consumer.
- 11 **Sec. 7. (a) The counselor may employ and fix the compensation**
12 **of, with the approval of the governor and the budget agency,**
13 **professional and other assistance necessary to carry out the duties**
14 **of the office. The compensation of the counselor and the**
15 **counselor's staff shall be paid from an appropriation made for that**
16 **purpose by the general assembly.**
- 17 **(b) The counselor may make use of experts and shall have access**
18 **to the records and files of the department.**
- 19 **Sec. 8. This chapter does not prohibit a party interested in a**
20 **proceeding described in section 4 of this chapter from appearing**
21 **in person or from being represented by counsel.**
- 22 **Sec. 9. Persons hired by the counselor as provided by this**
23 **section are exempt from the job classifications and compensation**
24 **schedules established under IC 4-15.**
- 25 **Sec. 10. The counselor may purchase, lease, or otherwise**
26 **acquire sufficient technical equipment necessary for the counselor**
27 **to carry out the counselor's statutory duties.**
- 28 **Chapter 4. Advisory Council to the Insurance Consumer**
29 **Counselor**
- 30 **Sec. 1. There is created the advisory council to the office of the**
31 **insurance consumer counselor. Each Indiana congressional district**
32 **must be represented by at least one (1) individual appointed under**
33 **this section who is a resident of that congressional district.**
- 34 **Sec. 2. Members of the council, including those filling vacancies**
35 **occurring in the council membership, shall be appointed by the**
36 **governor. All members shall be appointed to a term of four (4)**
37 **years, except those who have been appointed to fill a vacancy in the**
38 **council whose term will be the unexpired part of the term. Each**
39 **member shall serve until the member's successor has been**
40 **appointed and qualified.**
- 41 **Sec. 3. The membership of the council must be representative of**
42 **the various sectors of health care, including physicians, hospitals,**
43 **consumers, pharmacists, and other health care providers whose**
44 **services are covered by health insurance.**
- 45 **Sec. 4. The members shall annually elect a chairman from the**
46 **members of the council.**
- 47 **Sec. 5. Members are entitled to receive per diem and travel**

1 **expense reimbursement at the standard rates provided for state**
2 **employees for expenses they incur in the performance of their**
3 **duties under this chapter subject to the approval of the counselor.**
4 **Sec. 6. (a) The council shall meet at the call of the chairman or**
5 **counselor.**
6 **(b) The council shall receive, review, and advise the counselor**
7 **with respect to problems and concerns of consumers and health**
8 **care providers in Indiana. The office shall provide necessary**
9 **clerical and staff assistance for the council."**
10 **Renumber all SECTIONS consecutively.**
(Reference is to ESB 265 as printed March 15, 2013.)

Representative DeLaney