



# STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

# IDOI

## INDIANA DEPARTMENT OF INSURANCE

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Stephen W. Robertson, Commissioner

SENT VIA EMAIL TO [Alexis.Chappell@hhs.gov](mailto:Alexis.Chappell@hhs.gov)

December 17, 2010

U.S. Department of Health & Human Services  
Attn: Alexis Chappell  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Ms. Chappell,

The Indiana Department of Insurance (IDOI) writes to formally request that the U.S. Department of Health and Human Services (HHS) deem its external grievance review process, as codified by *Ind. Code § 27-8-29, et. al*, to be in substantial compliance with 42 USC § 300gg-19(b). The HHS Secretary is granted authority in 42 USC § 300gg-19(c) to determine that an external review process of a group health plan or health insurance issuer, in operation on March 23, 2010, is considered compliant with the applicable process established.

The external review process currently governed by the following Indiana statutes and attached hereto show that Indiana is already substantially in compliance with federal requirements:

- Ind. Code § 27-8-29-12 allows claimants to have adverse benefit determinations reviewed;
- Ind. Code § 27-8-28-13(2) requires that issuers must issue effective written notice to claimants of their rights in connection with an external review;
- Indiana does not require a claimant to have exhausted his or her internal appeals options before filing for external review;
- Ind. Code § 27-8-29-13(e) requires issuers to pay the costs of the external review that is conducted by the Internal Review Organization (IRO);
- Indiana does not provide a minimum dollar amount in order for a claimant to file for an external review;
- Ind. Code § 27-8-29-13(b) (1) and (2) establishes an assignment method that assures an IRO's independence and impartiality;
- Indiana currently licenses 13 IROs according to specifications as set forth in Ind. Code § 27-8-29-19 in order to conduct external reviews in this state;

ACCREDITED BY THE  
NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS

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- Ind. Code § 27-8-29-13(d) (1) through (6) establishes a method to prevent an IRO from having conflicts of interest that might alter its independence;
- Ind. Code § 27-8-29-14 allows for additional information to be submitted at any time during the review process;
- Ind. Code § 27-8-29-16 requires that external reviews are binding on health insurance issuers;
- Ind. Code § 27-8-29-15 requires sufficient notice of the IRO's decision to both the claimant and issuer;
- Ind. Code § 27-8-29-13(a)(2) provides for an expedited review process for a review that is related to an illness, disease, condition, injury or disability, if a standard time frame would seriously jeopardize the covered individual's life or health or ability to reach and maintain maximum function;
- Ind. Code § 27-8-28-13(2) requires that a description of the external review process be issued to covered individuals;
- Ind. Code § 27-8-29-21 requires IROs to report specified data substantially similar to what is required in NAIC Uniform Model Act § 15 to the Commissioner; and
- Ind. Code § 27-8-29-12(3) follows procedures for external review for adverse benefit determinations involving experimental or investigational treatment.

For the reasons mentioned above, IDOI respectfully requests that the Secretary deem its external review process as being in substantial compliance under the ACA.

Sincerely,

A handwritten signature in black ink that reads "Stephen W. Robertson". The signature is written in a cursive, flowing style.

Stephen W. Robertson  
Commissioner of Insurance  
Indiana Department of Insurance  
311 West Washington Street, 3<sup>rd</sup> Floor  
Indianapolis, Indiana 46204-2720