



STATE OF INDIANA

ERIC J. HOLCOMB, GOVERNOR

Indiana Department of Insurance

Amy L. Beard, Commissioner
311 W. Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317-232-2385
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INDIANA DEPARTMENT OF INSURANCE RULEMAKING DOCKET

(Last updated: May 15, 2024)

FINAL RULES:

- (1) [Suitability in Annuity Transactions](#)

FINAL INTERIM RULES:

- (1) [All Payer Claims Database Final Interim Rule](#)

PROPOSED RULES:

- (1) **LSA Document #24-151—All Payer Claims Database Submission Requirements**

Subject Matter of the Rule

The proposed rule sets forth APCD registration and data submission requirements for health payers and includes a provision allowing a civil penalty to be imposed for noncompliance with the proposed rule. The proposed rule impacts health payers, as defined in IC 27-1-44.5-2, including health insurers, pharmacy benefit managers, multiple employer welfare arrangements, and employee benefit plans subject to the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), including a third party administrator.

[Notices Related to the Proposed Rule](#)
[Comments of the Indiana Economic Development Corporation](#)

Public Hearing Information

May 21, 2024, at 11:00 a.m.
Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204

ACCREDITED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS

AGENCY SERVICES 317-232-2389 COMPANY COMPLIANCE 317-232-3495 CONSUMER SERVICES 317-232-2395/1-800-622-4461 FINANCIAL SERVICES 317-232-2390 MEDICAL MALPRACTICE 317-232-5253 COMPANY RECORDS 317-232-2383 STATE HEALTH INSURANCE PROGRAM 1-800-452-4800

The public may attend the IDOI meeting in person or join by using the following Microsoft Teams website, meeting ID, and passcode:

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 256 345 452 162

Passcode: VZ5saP

Public Comments

Public comments may be made now and through the date of the public hearing.

Via e-mail: mbrumbaugh@idoi.in.gov

Via U.S. mail: Meggan Brumbaugh
Department of Insurance
311 West Washington Street
Suite 103
Indianapolis, IN 46204

Public comments and responses to public comments may be inspected upon request at:

Department of Insurance
311 West Washington Street
Suite 103
Indianapolis, IN 46204

Relevant Scientific and Technical Findings Related to the Proposed Rule

Not applicable.

Estimated Timetable for Action*

Date of filing of Notice of First Comment Period: April 17, 2024

Date of first public hearing: May 21, 2024

Date of filing of Notice of Second Comment Period (if applicable): June 12, 2024

Date of second public hearing (if applicable): July 12, 2024

Date of final adoption: July 26, 2024

Date of filing with the Office of the Attorney General: July 26, 2024

Anticipated date of review by the Governor: August 30, 2024

Anticipated effective date: September 30, 2024

* This timeline is subject to change during the rulemaking process. This timeline will be updated when changes occur.

VIA EMAIL

April 25, 2024

Meggan Brumbaugh
General Counsel
Legal Services
Indiana Department of Insurance
311 W. Washington Street, Suite 103
Indianapolis, IN 46204-2787

Re: LSA Document #24-151/Economic Impact Statement

Dear Ms. Brumbaugh,

Pursuant to Indiana Code 4-22-2.1-5(c)(2), as the Small Business Ombudsman for the state of Indiana, I have reviewed the proposed rule and economic impact analysis for small businesses associated with the rule changes contained in LSA Document #24-151 (proposed rule) proposed by the Indiana Department of Insurance (IDOI) and found the following to be true.

Proposed rule LSA #24-151 aims to finalize previously established emergency and provisional rules tied to Public Law 50-2020 and Public Law 190-2023, which established and amended the All Payer Claims Database (APCD), respectively. The IDOI is authorized to do so under Indiana Code 27-1-44.5. The APCD is a significant source of healthcare information that collects as much information as possible from health payers, which includes health insurers, pharmacy benefit managers, multiple employer welfare arrangements, and employee benefit plans subject to ERISA. In all, the collection of health care data, via the APCD, is intended to identify trends and pull meta data that will allow the state of Indiana to identify health care needs and better inform health care policies, compare costs of various treatment settings and approaches, provide consumers and health care purchasers with data, and improving the quality and affordability of patient health care and health care coverage. The proposed rule does include civil penalties, which were approved by the State Budget Committee in August of 2023. Small businesses impacted by the proposed rule appear to be minimal, and as a whole should provide a more competitive marketplace for health care coverage through more readily available and transparent information on health coverage.

The IDOI's provided regulatory analysis displays a proper due diligence and understanding of how implementation must be carried out to ensure compliance while minimizing the impact to small businesses registered under the APCD located in Indiana. Based upon this statement and review, the Indiana Small Business Ombudsman supports the proposed rule related to the economic impact on small business if the IDOI's conclusion reflects the actual result after promulgation. If there are any questions about these comments, please contact me at ombudsman@iedc.in.gov.

Sincerely,

Matt Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation