

# SENATE BILL No. 9

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1-8.5.

**Synopsis:** Notice of health care entity mergers. Requires health care entities to provide notice of certain mergers or acquisitions to specified members of the general assembly. Specifies notice requirements.

**Effective:** July 1, 2024.

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**Garten, Charbonneau, Brown L,  
Busch, Johnson T**

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January 8, 2024, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# SENATE BILL No. 9



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-1-8.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]:  
4 **Chapter 8.5. Reporting of Health Care Entity Mergers and**  
5 **Acquisitions**  
6 **Sec. 1. (a) As used in this chapter, "health care entity" means**  
7 **any of the following:**  
8 **(1) Any organization or business that provides diagnostic,**  
9 **medical, surgical, dental treatment, or rehabilitative care.**  
10 **(2) Any organization or business that provides health care**  
11 **services, devices, or items, including the following:**  
12 **(A) Pharmaceutical manufacturers.**  
13 **(B) Pharmaceutical distributors.**  
14 **(C) Medical device manufacturers and distributors.**  
15 **(3) An insurer that issues a policy of accident and sickness**  
16 **insurance (as defined in IC 27-8-5-1), except for the following**  
17 **types of coverage:**



- 1 (A) Accident only, credit, dental, vision, long term care, or
- 2 disability income insurance.
- 3 (B) Coverage issued as a supplement to liability insurance.
- 4 (C) Automobile medical payment insurance.
- 5 (D) A specified disease policy.
- 6 (E) A policy that provides indemnity benefits not based on
- 7 any expense incurred requirements, including a plan that
- 8 provides coverage for:
- 9 (i) hospital confinement, critical illness, or intensive care;
- 10 or
- 11 (ii) gaps for deductibles or copayments.
- 12 (F) Worker's compensation or similar insurance.
- 13 (G) A student health plan.
- 14 (H) A supplemental plan that always pays in addition to
- 15 other coverage.
- 16 (4) A health maintenance organization (as defined in
- 17 IC 27-13-1-19).
- 18 (5) A pharmacy benefit manager (as defined in
- 19 IC 27-1-24.5-12).
- 20 (6) An administrator (as defined in IC 27-1-25-1).
- 21 (b) The term does not include the Medicaid program or the
- 22 Medicare program.
- 23 Sec. 2. As used in this chapter, "merger" means any change of
- 24 ownership, including:
- 25 (1) an acquisition or transfer of assets; or
- 26 (2) the purchase of stock effectuated by a merger agreement.
- 27 Sec. 3. (a) An Indiana health care entity that is involved in a
- 28 merger or acquisition with another health care entity with a value
- 29 of at least ten million dollars (\$10,000,000) shall, at least six (6)
- 30 months prior to the date of the merger or acquisition, provide
- 31 written notice of the merger or acquisition to the following:
- 32 (1) The speaker of the house of representatives.
- 33 (2) The president pro tempore of the senate.
- 34 (3) The chairperson of the house public health committee.
- 35 (4) The ranking minority member of the house public health
- 36 committee.
- 37 (5) The chairperson of the senate health and provider services
- 38 committee.
- 39 (6) The ranking minority member of the senate health and
- 40 provider services committee.
- 41 (b) The notice required by subsection (a) must include the
- 42 following information from each health care entity:



- 1           **(1) Business address and federal tax number.**
- 2           **(2) Name and contact information of a representative of the**
- 3           **health care entity concerning the merger or acquisition.**
- 4           **(3) Description of the health care entity.**
- 5           **(4) Description of the merger or acquisition, including the**
- 6           **anticipated timeline.**
- 7           **(5) A copy of any materials that have been submitted to a**
- 8           **federal or state agency concerning the merger or acquisition.**
- 9           **The notice submitted under this section must be certified before a**
- 10           **notary public.**
- 11           **(c) The individuals described in subsection (a) shall keep**
- 12           **confidential all nonpublic information if requested by the health**
- 13           **care entity, and the confidential information may not be released**
- 14           **to the public.**

