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VOTE ANALYSIS FOR ISAHU

TO: David Berman
From: Michael O'Brien
Re: Vote Analysis

David,

I apologize for the delay in getting you this information. Attached is a vote analysis of select pieces of legislation from the 2009 legislative session. As you know we spend most of our time on defense during the session and most often find ourselves in opposition of proposed legislation. I selected legislation in which the industry in general was actively engaged.

Having worked on these issues, my general observation in preparing this analysis is that the votes themselves rarely tell the absolute story of support or opposition for individual legislators. Issues evolve and while the industry might oppose a bill in its introduced form, we often work to make the final product as acceptable as possible, even though we may oppose the final bill.

The attached is intended to give you a general idea of which legislators typically support the industry and where they stood on recent issues. This memo attempts to put some context around each of the selected votes.

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2009 Legislative Session

Selected legislation:

HB 1084 - Out of Country Health Care (3rd Reading, Committee Votes) – A practice by Anthem in Wisconsin resulted in legislation being introduced in Indiana. Anthem was giving patients the option of seeking cheaper care outside of the U.S.. This limited practice caught the attention of a House Democrat and this legislation was filed. However, it overreached and banned sending any medical records outside of the country as well, creating practical issues for imaging professionals and others who rely on overseas

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contractors. The bill was stopped in the Senate but received a floor vote in the House. **Opposed**

HB 1086 – Assignment of Benefits (Committee Vote, House only) – This legislation is a recurring nuisance as providers seek direct reimbursement for out-of-network services. The industry has opposed this effort for years and recently legislators have been reluctant to push it as aggressively because it has been successfully blocked in both chambers. In 2009, this issue was voted on in the House Insurance Committee, but never received consideration on the floor. **Opposed**

HB 1300 – Health Provider Patient Limits (3rd Reading, Committee Votes) – This legislation evolved from its introduced version. The bill originally sought to allow providers to limit patient panels on a roll basis. Rather than open and close patient panels as a whole, this bill would have allowed providers to close panels to certain insurers on a case-by-case basis. The bill was amended to allow a study this issue during the Health Finance Commission. **Opposed**

HB 1382 – Coverage Related to Clinical Trials (3rd Reading Vote) - This bill was introduced as a result of a rumored practice that insurers were not covering routine care during clinical trials that would have been covered if a clinical trial were not taking place. The industry worked to improve the bill and supported the end product. **Supported**

HB 1627 – Insurance Matters (3rd Reading, Committee Votes) – This bill contained many provisions supported by the industry and sought by the Indiana Department of Insurance. However, the bill was hijacked by Rep. Craig Fry who included many unacceptable provisions. His strategy depended on the industry's support of the underlying bill and he hoped that he could use the bill to carry his unrelated issues. **The industry supported this bill as it was voted on in the Senate, but not as it left the House.**

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SB 75 – Payment to Health Providers Without Contracts (Committee Vote, 3rd Reading Vote Senate Only) – This is the Senate version of Assignment of Benefits legislation. The bill was moved out of the Senate Health and Provider Services Committee and the industry and business community fought it hard and it failed on the floor of the Senate. **Opposed**

SB 437 – Coverage for Cancer Chemotherapy – This bill was pushed by Glaxosmithklein and attempted to prevent insurers from treating oral chemo under the pharmaceutical benefit of insurance contracts. What it really did was make it more expensive for patients. However this was one of those

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issues that dealt with a terrible disease and once it got rolling, no legislator could oppose it. **Opposed**

2010 Legislative Session

The session in 2010 was short and did not host nearly as many fights as the year before. The industry worked to lock issues in committee and the tight timeframe of the short session usually allows for few bills to move, especially anything controversial. Here is the short list of issues that were voted on in 2010:

HB 1022 – Insurer Access to Providers (House committee vote) – This legislation was pushed by the Indiana State Medical Association and opposed by the insurance industry. The bill sought to permit providers to discriminate among payors, opening and closing their practices on an individual basis. The legislation was first introduced in 2009, defeated, and studied in the interim by the Health Finance Commission. It received a vote out of committee in the House, but was not considered by the full House. **Opposed**

HB 1240 – Various Insurance Matters (Committee and 3rd Reading House votes, Senate committee vote) – This legislation was the same IDOI omnibus bill that was introduced in 2009, with the same games played by House Insurance Chairman Craig Fry. He again loaded the bill up with objectionable provisions in the hopes that the industry would support the underlying department bill. **Opposed** (as it left the House) **Supported** (as it was considered in the Senate Insurance Committee).

SB 357 – Various Insurance Matters (Committee and 3rd Reading Senate votes, House Committee Vote) – This was the companion bill to HB 1240. It passed the Senate in a way the was supported by the industry, then loaded up when Chairman Fry carried it. The Republicans did not show up for the committee vote on this bill. While it passed out of committee, it died on the floor and did not receive a vote. **Supported** (as it left the Senate) **Opposed** (as it was considered and passed by the House Insurance Committee).

SB 129 – Contracts for Dental Services (Committee and 3rd Reading Senate votes) – This legislation attempted to prevent insurers from setting fee schedules for non-covered services. The industry was affected in a narrow way, but still worked to stop the bill. **Opposed**

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I hope you found this helpful. Again, it is difficult to draw many absolute conclusions from legislator votes alone. If this format is helpful, let me know and I will duplicate it for the 2010 session. The following spreadsheet reflects legislator support of our position with '+' mark, and opposition with a '-' mark.

Best regards,

Michael R. O'Brien

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Vote Analysis Report

ISAHU - 2009 House Vote Analysis

Bill #	<u>HB1084</u> 152	<u>HB1300</u> 584	<u>HB1382</u> 560	<u>HB1627</u> 97	<u>SB0437</u> 384	Bill #	<u>HB1084</u> 02/04	<u>HB1086</u> 02/11	<u>HB1300</u> 02/18	<u>HB1382</u> 02/04	<u>HB1627</u> 02/04	<u>SB0437</u> 03/18
Roll	Date											
<u>Austin</u>	-	-	+	-	-							
<u>Avery</u>	-	-	+	-	-							
<u>Bardon</u>	-	-	NV	-	NV	-	-	NV		-		NV
<u>Barnes</u>	-	-	+	-	-							
<u>Bartlett</u>	-	-	+	-	-							
<u>Battles</u>	-	-	+	-	-							
<u>Bauer</u>	NV	NV	NV	NV	NV							
<u>Bischoff</u>	-	-	+	-	-							
<u>Blanton</u>	-	-	+	-	-							
<u>C. Brown</u>	-	-	NV	-	-	-	-	NV	+	NV		NV
<u>Cheatham</u>	-	NV	+	-	-							
<u>Crawford</u>	-	-	NV	-	NV							
<u>Day</u>	-	-	NV	-	-				NV			
<u>Delaney</u>	-	-	+	-	-							
<u>Dembowski</u>	-	-	+	-	-							
<u>Dobis</u>	-	-	NV	-	-							
<u>Dvorak</u>	-	-	+	-	-							
<u>Fry</u>	-	-	+	-	-	-	-	-	NV	-		-
<u>GiaQuinta</u>	-	-	+	-	-	-	-	-		-		-
<u>Goodin</u>	E	-	+	-	-							
<u>Grubb</u>	-	-	+	-	-							
<u>E. Harris</u>	-	-	NV	-	-							
<u>Herrell</u>	-	-	+	-	-	-	-	-		-		-
<u>Kersey</u>	-	-	+	-	-							
<u>Klinker</u>	-	-	+	-	-							
<u>L. Lawson</u>	-	-	+	-	-							
<u>Michael</u>	-	-	+	-	-							
<u>Moseley</u>	-	-	NV	-	-					+		
<u>Moses</u>	-	-	+	-	-				NV			
<u>Niezgodski</u>	-	-	+	-	-							
<u>Oxley</u>	-	-	+	-	-							
<u>Pearson</u>	-	-	+	-	-							
<u>Pelath</u>	-	-	+	-	-							
<u>Pflum</u>	-	-	+	-	-							
<u>Pierce</u>	-	-	+	-	-							
<u>Porter</u>	-	-	NV	-	-	NV	NV	NV		NV		-
<u>Pryor</u>	-	-	+	-	-							
<u>Reardon</u>	-	-	+	-	-							

<u>Soliday</u>	-	-	+	-	-					
<u>Steuerwald</u>	-	-	+	-	-					
<u>Thompson</u>	+	-	+	+	-					
<u>Torr</u>	+	NV	+	+	-	+	+	-	-	-
<u>Truitt</u>	-	-	+	-	-					
<u>Turner</u>	+	-	+	+	-			+		
<u>Walorski</u>	-	-	+	-	-					
<u>Wolkins</u>	+	-	+	+	-					
<u>Yarde</u>	-	-	+	-	-					



Vote Analysis Report

ISAHU - 2009 Senate Vote Analysis

	Bill # Roll	HB1300 289	HB1382 376	HB1627 396	SB0075 168	SB0437 134	Bill # Date	HB1300 03/25	HB1382 04/01	HB1627 03/26	SB0075 02/18	SB0437 02/10
<u>Arnold</u>	-	+	+	+	-							
<u>Breaux</u>	-	+	+	+	-		-	+			NV	-
<u>Broden</u>	-	+	+	+	-							
<u>Deig</u>	-	+	+	+	-							
<u>Errington</u>	-	+	+	-	-		-	+			-	-
<u>Hume</u>	-	+	+	E	-							
<u>Lanane</u>	-	+	+	+	-							
<u>Lewis</u>	-	+	+	-	-					+		
<u>Mrvan</u>	-	+	+	+	-					+		
<u>Randolph</u>	-	+	+	+	-							
<u>Rogers</u>	-	+	+	+	-		-	NV			NV	-
<u>Simpson</u>	-	+	+	+	-		NV	NV		NV	NV	-
<u>Sipes</u>	-	+	+	+	-							
<u>Skinner</u>	-	+	+	+	-							
<u>Tallian</u>	-	+	+	+	-							
<u>Taylor</u>	-	+	+	+	-					+		
<u>R. Young</u>	-	+	+	+	-							
<u>Alting</u>	-	+	+	-	-							
<u>Becker</u>	-	+	+	-	-		NV	+			-	-
<u>Boots</u>	-	+	+	+	+							
<u>Bray</u>	-	+	+	-	-							
<u>Buck</u>	-	+	+	+	-							
<u>Charbonneau</u>	-	+	+	+	-		-	NV			+	-
<u>Delph</u>	-	+	+	+	-							
<u>Dillon</u>	-	+	+	-	-							
<u>Gard</u>	-	+	+	-	-		-	+			NV	-
<u>Head</u>	-	+	+	-	-							
<u>Hershman</u>	-	+	+	-	-							
<u>Holdman</u>	-	+	+	-	-					+		
<u>Kenley</u>	NV	+	+	-	-							
<u>Kruse</u>	-	+	+	-	-							
<u>Landske</u>	-	+	+	-	-							
<u>Lawson</u>	-	+	+	-	-							
<u>Leising</u>	-	+	+	+	-		-	NV			+	-
<u>Long</u>	-	+	+	-	-							
<u>Lubbers</u>	-	+	+	-	-							
<u>Merritt</u>	-	+	+	-	-							
<u>Miller</u>	-	+	+	-	-		-	+			-	-
<u>Mishler</u>	-	+	+	+	-		-	+			+	-

<u>Nugent</u>	-	+	+	+	-						+
<u>Paul</u>	-	+	+	-	-						+
<u>Steele</u>	-	+	+	-	-						+
<u>Stutzman</u>	-	+	+	-	-						
<u>Walker</u>	-	+	+	+	-						+
<u>Waltz</u>	-	+	+	-	-						+
<u>Waterman</u>	-	+	+	+	-						
<u>Wyss</u>	-	+	+	-	-						
<u>Yoder</u>	-	+	+	-	-	-	+		-	-	
<u>M. Young</u>	-	+	+	+	-						
<u>Zakas</u>	-	+	+	-	-						NV



Vote Analysis Report

ISAHU - 2010 House Vote Analysis

	Bill #	HB1240	Bill #	HB1022	HB1240	SB0357
	Roll	127	Date	01/13	01/27	02/22
<u>Austin</u>	-					
<u>Avery</u>	-					
<u>Bardon</u>	-			-		-
<u>Barnes</u>	-					
<u>Bartlett</u>	-					
<u>Battles</u>	-					
<u>Bauer</u>	-					
<u>Bischoff</u>	-					
<u>Blanton</u>	-					
<u>C. Brown</u>	-			-	-	-
<u>Cheatham</u>	-					
<u>Crawford</u>	-					
<u>Day</u>	-			NV		
<u>Delaney</u>	-					
<u>Dembowski</u>	-					
<u>Dobis</u>	-					
<u>Dvorak</u>	-					
<u>Fry</u>	-			-	-	-
<u>GiaQuinta</u>	-				-	-
<u>Goodin</u>	-					
<u>Grubb</u>	-					
<u>E. Harris</u>	-					
<u>Herrell</u>	-				-	-
<u>Kersey</u>	-					
<u>Klinker</u>	-					
<u>L. Lawson</u>	-					
<u>Michael</u>	-					
<u>Moseley</u>	-			-		
<u>Moses</u>	NV			-		
<u>Niezgodski</u>	-					
<u>Oxley</u>	E					
<u>Pearson</u>	-					
<u>Pelath</u>	-					
<u>Pflum</u>	-					
<u>Pierce</u>	-					
<u>Porter</u>	-				-	-
<u>Pryor</u>	-					
<u>Reardon</u>	-					
<u>Reske</u>	-			-		

<u>Riecken</u>	-		
<u>Robertson</u>	-		
<u>V. Smith</u>	-	-	-
<u>Stemler</u>	-		
<u>Stevenson</u>	-		
<u>Stilwell</u>	-		
<u>Sullivan</u>	-		
<u>Summers</u>	-		
<u>Tincher</u>	-		
<u>Tyler</u>	-		
<u>VanHaften</u>	-		
<u>VanDenburgh</u>	-		
<u>Welch</u>	-	-	
<u>Behning</u>	-		
<u>Bell</u>	+		
<u>Borders</u>	-	-	NV
<u>Bosma</u>	+		
<u>T. Brown</u>	+	-	
<u>Burton</u>	-	-	NV
<u>Cherry</u>	-		
<u>Clements</u>	-		
<u>Clere</u>	-		
<u>Crouch</u>	-		
<u>Culver</u>	-		
<u>Davis</u>	+		
<u>Dermody</u>	-		
<u>Dodge</u>	-	-	
<u>Duncan</u>	-		
<u>Eberhart</u>	-		
<u>Espich</u>	+		
<u>Foley</u>	+		
<u>Friend</u>	+		
<u>Frizzell</u>	-	+	
<u>Gutwein</u>	-		
<u>Hinkle</u>	+		
<u>Knollman</u>	-		
<u>Koch</u>	+		
<u>Lehe</u>	-	+	
<u>Lehman</u>	-	-	NV
<u>Leonard</u>	+		
<u>Lutz</u>	-		
<u>McClain</u>	-		
<u>Messmer</u>	-		
<u>Morris</u>	-		
<u>Murphy</u>	-	-	NV
<u>Neese</u>	-		
<u>Noe</u>	+		
<u>Pond</u>	-		
<u>Richardson</u>	-		
<u>Ruppel</u>	-		
<u>Saunders</u>	-		
<u>M. Smith</u>	+		
<u>Soliday</u>	-		

<u>Steuerwald</u>	+		
<u>Thompson</u>	+		
<u>Torr</u>	+	-	NV
<u>Truitt</u>	-		
<u>Turner</u>	+	NV	
<u>Walorski</u>	-		
<u>Wolkins</u>	+		
<u>Yarde</u>	-		



Vote Analysis Report

ISAHU - 2010 Senate Vote Analysis

	Bill # Roll	SB0129 29	SB0129 69	SB0357 154	Bill # Date	HB1240 02/18	SB0129 01/20	SB0357 01/28
<u>Arnold</u>	-	-	-	+				
<u>Breaux</u>	-	+	+	+			+	
<u>Broden</u>	-	-	-	+				
<u>Deig</u>	-	-	-	+				
<u>Errington</u>	-	-	-	+			-	
<u>Hume</u>	-	-	-	+				
<u>Lanane</u>	-	-	-	+				
<u>Lewis</u>	-	-	-	+	+			+
<u>Mrvan</u>	-	-	-	+	+			+
<u>Randolph</u>	-	-	-	+				
<u>Rogers</u>	-	-	-	+			-	
<u>Simpson</u>	-	-	-	+	NV	NV		NV
<u>Sipes</u>	-	-	-	+				
<u>Skinner</u>	-	-	-	+				
<u>Tallian</u>	-	+	+	+				
<u>Taylor</u>	-	-	-	+	+			+
<u>R. Young</u>	-	-	-	+				
<u>Alting</u>	-	-	-	+				
<u>Becker</u>	-	-	-	+			-	
<u>Boots</u>	-	-	-	+				
<u>Bray</u>	-	-	-	+				
<u>Buck</u>	-	-	-	+				
<u>Charbonneau</u>	-	+	+	+			+	
<u>Delph</u>	-	-	-	+				
<u>Dillon</u>	-	-	-	+				
<u>Gard</u>	-	-	-	+			-	
<u>Head</u>	-	-	-	+				
<u>Hershman</u>	-	-	-	+				
<u>Holdman</u>	-	-	-	+	+			+
<u>Kenley</u>	-	E	E	+				
<u>Kruse</u>	-	E	E	+				
<u>Landske</u>	-	-	-	+				
<u>Lawson</u>	-	-	-	+				
<u>Leising</u>	-	-	-	+			-	
<u>Long</u>	-	-	-	+				
<u>Merritt</u>	-	-	-	+				
<u>Miller</u>	-	-	-	+			-	
<u>Mishler</u>	-	-	-	+			-	
<u>Nugent</u>	-	-	-	+	NV			NV

<u>Paul</u>	-	-	+	+	+
<u>Schneider</u>	-	-	+		
<u>Steele</u>	-	-	+	+	+
<u>Stutzman</u>	-	-	+		
<u>Walker</u>	-	-	+	+	+
<u>Waltz</u>	-	-	+	NV	+
<u>Waterman</u>	-	-	+		
<u>Wyss</u>	-	-	+		
<u>Yoder</u>	-	-	+		NV
<u>M. Young</u>	-	-	+		
<u>Zakas</u>	-	-	+	+	+