



THE CORYDON GROUP

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SESSION - Week 7

IOA Weekly Update

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There were hearings on multiple bills of interest this week:

HB 1088, which allows death in an emergency department of the hospital to be referred to the coroner if the emergency physician is unable certify cause of death, has passed the Senate Health and Provider Services Committee. The bill is eligible for final action in the Senate next week.

HB 1263, the telemedicine bill, was also heard in the Senate Health and Provider Services Committee. The bill was held for amendments and will be voted on Wednesday. There continues to be broad support of the concept of expanding telemedicine. Sen. Miller has suggested that she will have an amendment the Indiana's malpractice laws and standard of care will govern the telemedicine encounter. Further, the bill will require the record of the telemedicine encounter be shared with the patient's self-designated physician. The Indiana State Medical Association, Indiana Hospital Association is working with Sen. Miller on amendments.

HB 1347, mental health matters, also passed out of committee on Wednesday. The bill seeks to increase the number behavioral health providers.

SB 165, which codifies HIP 2.0, passed out of the House Public Health Committee on Wednesday. The bill was not amended. There was an amendment filed that would add chiropractic services to all HIP 2.0 plans. The amendment was not entertained by the Chair. It is full expected that the amendment will be offered on the floor early next week. The administration opposes the amendment as does the Indiana Hospital Association.

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Mid-week, Sen. Brent Steele sent a letter to the Indiana Trial Lawyers Association, The Indiana State Medical Association and the Indiana Hospital Association, attempting to resurrect discussions regarding changes to the medical malpractice act. If there is interest, he will strip a bill and insert the med-mal provisions. This upcoming week is the last week for a bill to pass out of committee. Time is running out for anything to happen.

There was no action on the pseudoephedrine issue this week.

SB 41, the Step Therapy bill, was heard in the House Insurance Committee this week. The bill was held for amendments.

The General Assembly is at full speed again after the midterm pause. All bills have been referred to committees with several already passing their second house. However, facing scheduling conflicts and the promise of hearings on the appointment of Eric Holcomb as lieutenant governor, the General Assembly faces a busy calendar.

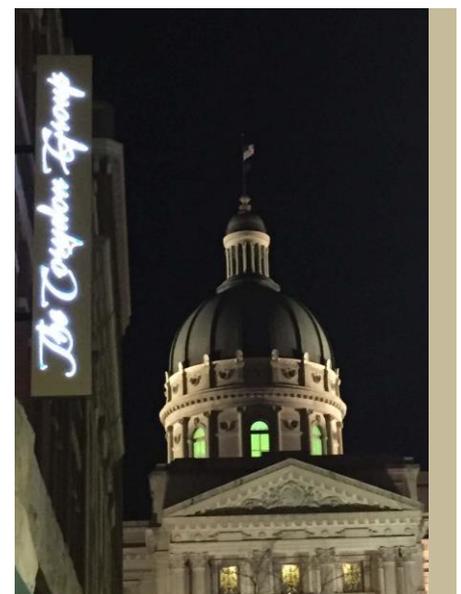
In the race for the seat of retiring US Senator Dan Coats, another twist has unfolded following the surprise withdrawal of Eric Holcomb from the race to be appointed lieutenant governor. Last week the Indiana Democratic Party filed a challenge with the Indiana Election Division alleging that US Rep. Todd Young (R – Bloomington) did not achieve enough signatures to be on the primary ballot. To be eligible to run, candidates in Indiana must collect 500 signatures from each of the state's nine congressional districts. The challenge alleges that Young's campaign only obtained 498 in the first congressional district in northwest Indiana. An additional search by the statehouse press corps concluded that only 497 signatures were valid. The challenge from the Democratic Party was followed up by a second challenge from republican primary challenger and fellow US Rep. Marlin Stutzman (R – Howe).

If indeed Young's campaign failed to reach the 500 signature threshold, it would be among one of the worst political blunders in the state's history and disqualify him for the Senate election – effectively making Marlin Stutzman the republican nominee. A decision is to be rendered Friday afternoon by the four-member Election Commission. The commission, appointed by Republican Gov. Mike Pence, consists of two republicans and two democrats. At least three of the four commissioners must agree for Young to be removed from the ballot. A 2-2 tie results in no action, and there is no process to break a tie.

The formal process to replace Indiana Supreme Court Justice Brent Dickson, who is retiring on April 29th, began this week with the first round of interviews. The Judicial Nominating Commission will interview 29 candidates which include state Solicitor General Thomas Fisher, Magistrate Judge Paul Cherry of the U.S. District Court in Hammond, and 11 county judges. A second round of interviews will be conducted in March. The commission will then select three finalists from which the governor can choose.

While much still remains to be determined in the state's debate of road funding, for now one aspect of the

governor's plan is off the table. The original proposal by the governor, which has been backed by the Senate, would fund road repairs and improvements through bonds and a drawdown of reserves. However, the governor's budget director says that the federal highway bill that passed two months after the governor announced his proposal brings the state over \$300 million – making the borrowing through bonds unnecessary. While one point of contention between the House and Senate's competing road funding plans has been resolved, the major issue – whether to draw from reserves or increase taxes – still remains to be settled. The Senate and governor argue that the government should not impose taxes when it has funds in reserve while the House contends that the tax increase would be a long term solution which would prevent similar shortages in the future.



RECAP: INDIANA HOUSE OF REPRESENTATIVES

Dates to Remember

February 25th: Senate Committee Report deadline on House Bills

February 29th: House Committee Report Deadline on Senate Bills

March 1st: **Potential New** 3rd reading Deadline for Senate

March 3rd: 3rd Reading Deadline for House and conference committees begin

March 10: **Potential New** target date for the General assembly to adjourn Sine Die

As was indicated by minority leadership, the House Democrats attempted on two occasions to amend civil rights protection for sexual orientation and gender identity into Senate bills on the House floor. The first attempt was prevented on grounds of germaneness while the second amendment was defeated, although seven republicans joined in support of the amendment.

Legislation which would seek to regulate the growing industry of daily fantasy sports received a hearing in a House committee this week. SB 339, authored by Sen. Jon Ford (R – Terre Haute), would legitimize fantasy sports games such as DraftKings and FanDuel and seeks to provide basic consumer protection and transparency. While daily fantasy sports has been regulated differently between states depending on how they choose to characterize it, representatives from the industry told the committee that the industry should not be classified as gambling, arguing that it requires a degree of skill. However, some lawmakers have not been convinced, claiming that no amount of skill could predict some outcomes. The bill, and several amendments, will be voted on next week.

In response to the recent discrepancies surrounding the signature count for U.S. Rep. Todd Young's campaign for

Senate, some lawmakers claimed that a change in election law was needed. Rep. Jeff Ellington (R – Bloomington) said that he plans to file legislation next session to reduce the signature requirement from 500 to 200. Senate President Pro Tempore David Long (R – Fort Wayne) has indicated that legislation which could help Young will not be considered this session, but said that changing the signature requirement deserves a discussion.

In the wake of a high-profile case of a private high school basketball coach who is being charged with coercing a student to send explicit messages, lawmakers have indicated that they are seeking ways to limit schools' use of confidentiality agreements with resigning educators. Rep. Bob Behning (R – Indianapolis), the chair of the House Education Committee, said that he's exploring avenues to ensure the state reports full information to a teacher discipline database. Sen. Jim Merritt (R – Indianapolis) has indicated that he will propose language which would require schools to disclose incidences in which an employee was reported to the Department of Child Services when an employer calls for references.



A controversial House bill received testimony this week in the Senate Environmental Affairs Committee. Under HB 1082, the Indiana Department of Environmental Management (IDEM) would not be allowed to make regulations more stringent than comparable federal laws. IDEM is the state agency responsible for regulating pollution and waste management.

Proponents of the measure argue that a standard set of rules should be applied regardless of where a business operates and that potential overreach would hinder economic development, but took no issue with current law. Environmental activists and opponents of the bill say that IDEM needs to maintain authority and autonomy to address the state's unique environmental challenges. Citing issues with water quality in Flint, Michigan, they argue that the EPA is unfamiliar with the nuances of Indiana's situation, and is not well

equipped to address an environmental crisis.

Similar legislation has originated in the House before but has never had a chance to receive a Senate hearing. Chairman of the committee and sponsor of the bill Sen. Ed Charbonneau (R – Valparaiso) has not indicated what the next move for the bill will be.

In the debate on how to reduce the growing use of drugs in the state, the Senate Corrections and Criminal Law Committee considered a bill which would increase penalties for convicted drug dealers. Rep. Greg Steuerwald (R – Avon) said that his bill, HB 1235, would reinforce a minimum 10-year sentence for dealers who sell illegal drugs carrying a Level 2 felony, such as methamphetamine and cocaine. Current law allows those offenders to leave prison after serving 75 percent of their sentence with good behavior. Opponents of the measure

claim that it's too early to change Indiana's criminal code since a major overhaul which promoted sending fewer people to prison by setting alternative punishments for low-level offenders took effect two years ago. Representatives for the governor also asked the committee to consider the cost of the bill as well as \$30 million that the state allocated last year to bolster local mental health and addiction treatment programs.

Opponents of a bill containing several abortion-related measures (HB 1337) said the legislation's multiple provisions would create new barriers to Indiana women seeking abortions. Sen. Michael Young (R – Indianapolis) and other supporters of the bill argued it contains nothing that would limit women's access to abortions. Committee chairwoman Sen. Pat Miller (R – Indianapolis) says the panel likely will vote next week on the bill.

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