

Indiana

Indiana made significant advances in promoting healthcare price competition and transparency in 2020. Most notably, the legislature passed a law to mandate an all-payer claims database (APCD) that will include claims from Medicare, Medicaid or a Medicaid managed care organization, health maintenance organizations (HMOs), pharmacy benefit managers (PBMs), and other payers. The law also prohibits gag clauses in contracts with providers, PBMs, or health facilities. That is, the claims data may be disclosed to employers providing insurance coverage under such a contract.

The legislature also enacted new price transparency initiatives to provide more protections against balance billing for non-emergency services, requiring cost-sharing parity for services provided by an out of network provider at an in-network facility unless several specific criteria are met. It also clearly defines and protects an individual's right to receive a good faith estimate of the total price a practitioner will charge for providing a nonemergency health care service. The state also made strides in drug pricing transparency, enacting a [law](#) that prohibits insurers, HMOs, and other payers from limiting the ability of pharmacies and pharmacists to discuss more affordable alternative prescriptions with patients, as well as several transparency requirements regulating PBM contracts.

Indiana also has robust statutes to prevent anticompetitive practices in healthcare markets. In hospital merger review authority, Indiana requires notice to and approval by the Attorney General prior to the merger of any public benefit corporation, including nonprofit hospitals. Additionally, the state prohibits anticompetitive contract provisions in provider and insurer contracts, including most-favored nation clauses and

gag clauses. In 2020, Indiana passed new legislation that requires physician non-complete clauses to contain certain provisions to be enforceable. The legislature also recently proposed legislative action to enhance antitrust enforcement of all-or-nothing clauses and anti-tiering/anti-steering clauses to prevent anticompetitive practices.

See below for an overview of existing Indiana state mandates. Click on citation tab for detailed information of specific statutes (click link to download statute text).