



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 298 be amended to read as follows:

- 1 Page 1, between lines 7 and 8, begin a new paragraph and insert:
- 2 "SECTION 2. IC 16-21-15-0.5 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) The general assembly**
- 5 **finds the following:**
- 6 **(1) A hospital merger may benefit the public by maintaining**
- 7 **or improving the quality, efficiency, and accessibility of health**
- 8 **care services offered to the public.**
- 9 **(2) Benefits resulting from a hospital merger may outweigh**
- 10 **any anticompetitive effects of joining together competitors,**
- 11 **including addressing unique challenges in providing health**
- 12 **care services in rural areas.**
- 13 **(3) It is in the state's best interest to supplant state and federal**
- 14 **antitrust law with a process for regulatory approval and**
- 15 **active supervision by the state department, as provided in this**
- 16 **chapter.**
- 17 **(4) It is the intent of the general assembly that this chapter**
- 18 **immunize, to the fullest extent possible, the following from all**
- 19 **federal and state antitrust laws:**
- 20 **(A) The execution of merger agreements approved under**
- 21 **this chapter and the transactions concerning the merger.**

- 1 **(B) Postmerger activities supervised under this chapter.**
- 2 **(b) This section applies only to a merger agreement allowed**
- 3 **under this chapter."**
- 4 Page 5, between lines 19 and 20, begin a new paragraph and insert:
- 5 **"(e) Only one (1) study may be conducted under this section.**
- 6 **(f) The state department shall determine any topic that is part**
- 7 **of the study.**
- 8 **(g) The preliminary report and the final report shall be the**
- 9 **property of the state department.**
- 10 **(h) The nonprofit organization or postsecondary educational**
- 11 **institution conducting the study must:**
- 12 **(1) have significant experience, as determined by the state**
- 13 **department, in the field of antitrust law; and**
- 14 **(2) have previous published peer reviewed research**
- 15 **concerning antitrust issues.**
- 16 **(i) Any preliminary report or final report under this section**
- 17 **may not refer to hospital personnel by the individual's name.**
- 18 **(j) For each request for data, the state department, after**
- 19 **consulting with the nonprofit organization or postsecondary**
- 20 **educational institution and the hospital, shall approve or deny the**
- 21 **request after determining the following:**
- 22 **(1) If the timing of the data request is reasonable, including**
- 23 **whether the data request is reasonable given the dates of any**
- 24 **previous data requests and the amount of data sought in the**
- 25 **previous requests.**
- 26 **(2) If the amount of data requested is reasonable.**
- 27 **(3) If the requested data is directly and reasonably related to**
- 28 **a topic that is part of the study.**
- 29 **(4) If the requested data is reasonably necessary to complete**
- 30 **the study.**
- 31 **(5) If the request seeks data that contains any information set**
- 32 **forth in subsection (k).**
- 33 **When making a determination for a request for data, the state**
- 34 **department shall consider the need to complete the study in a**
- 35 **timely manner and the need to avoid burdening hospital personnel**
- 36 **with data requests. Information obtained by the state department**
- 37 **for purposes of making determinations under this subsection are**
- 38 **confidential and exempt from disclosure under IC 5-14-3.**
- 39 **(k) A data request may not seek data that contains any of the**
- 40 **following:**
- 41 **(1) Information that is considered confidential under state or**
- 42 **federal law.**
- 43 **(2) A trade secret (as defined by IC 24-2-3-2).**
- 44 **(3) Information concerning the hospital's strategic planning.**
- 45 **(4) Proprietary information not directly or reasonably related**
- 46 **to a topic of the study, as determined by the state department.**
- 47 **(5) As determined by the state department, information that**

1 if released to the public would likely place the hospital at a
2 competitive disadvantage with other health care providers.

3 **(6) Information obtained or generated by the hospital before**
4 **the issuance of the certificate of public advantage.**

5 **(7) Confidential financial information of a person, other than**
6 **the hospital, that was obtained from the person upon request**
7 **by the hospital."**

8 Renumber all SECTIONS consecutively.

(Reference is to ESB 298 as printed February 10, 2022.)

Representative Morrison