

Health Payer and TPA Statutory Definitions for APCD Registration

IC 27-1-44.5-2"Health payer"

Sec. 2. As used in this chapter, "health payer" includes the following:

- (1) Medicare.
- (2) Medicaid or a managed care organization (as defined in [IC 12-7-2-126.9](#)) that has contracted with Medicaid to provide services to a Medicaid recipient.
- (3) An insurer that issues a policy of accident and sickness insurance (as defined in [IC 27-8-5-1](#)), except for the following types of coverage:
 - (A) Accident only, credit, dental, vision, long term care, or disability income insurance.
 - (B) Coverage issued as a supplement to liability insurance.
 - (C) Automobile medical payment insurance.
 - (D) A specified disease policy.
 - (E) A policy that provides indemnity benefits not based on any expense incurred requirements, including a plan that provides coverage for:
 - (i) hospital confinement, critical illness, or intensive care; or
 - (ii) gaps for deductibles or copayments.
 - (F) Worker's compensation or similar insurance.
 - (G) A student health plan.
 - (H) A supplemental plan that always pays in addition to other coverage.
- (4) A health maintenance organization (as defined in [IC 27-13-1-19](#)).
- (5) A pharmacy benefit manager (as defined in [IC 27-1-24.5-12](#)).
- (6) An administrator (as defined in [IC 27-1-25-1](#)).
- (7) A multiple employer welfare arrangement (as defined in [IC 27-1-34-1](#)).
- (8) An employee benefit plan that is subject to the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), including a third party administrator of an employee benefit plan.
- (9) A state employee health plan (as defined in [IC 5-10-8-6.7\(a\)](#)).
- (10) Any other person identified by the commissioner for participation in the data base described in this chapter.

As added by P.L.50-2020, SEC.6. Amended by P.L.32-2021, SEC.84; P.L.195-2021, SEC.4; P.L.165-2022, SEC.6; P.L.190-2023, SEC.19.

IC 27-1-25-1 Definitions

Sec. 1. As used in this chapter:

(a) "Administrator" means a person who directly or indirectly and on behalf of an insurer underwrites, collects charges or premiums from, or adjusts or settles claims on residents of Indiana in connection with life, annuity, or health coverage offered or provided by an insurer. The term "administrator" does not include the following persons:

- (1) An employer or a wholly owned direct or indirect subsidiary of an employer acting on behalf of the employees of:
 - (A) the employer;
 - (B) the subsidiary; or
 - (C) an affiliated corporation of the employer.
- (2) A union acting for its members.
- (3) An insurer.
- (4) An insurance producer:
 - (A) that is licensed under [IC 27-1-15.6](#);
 - (B) that has:
 - (i) a life; or
 - (ii) an accident and health or sickness; qualification under [IC 27-1-15.6-7](#); and
 - (C) whose activities are limited exclusively to the sale of insurance.
- (5) A creditor acting for its debtors regarding insurance covering a debt between them.
- (6) A trust established under 29 U.S.C. 186 and the trustees, agents, and employees acting pursuant to that trust.
- (7) A trust that is exempt from taxation under Section 501(a) of the Internal Revenue Code and:
 - (A) the trustees and employees acting pursuant to that trust; or
 - (B) a custodian and the agents and employees of the custodian acting pursuant to a custodian account that meets the requirements of Section 401(f) of the Internal Revenue Code.
- (8) A financial institution that is subject to supervision or examination by federal or state banking authorities to the extent that the financial institution collects and remits premiums to an insurance producer or an authorized insurer in connection with a loan payment.
- (9) A credit card issuing company that:
 - (A) advances for; and
 - (B) collects from, when a credit card holder authorizes the collection;credit card holders of the credit card issuing company, insurance premiums or charges.
- (10) A person that adjusts or settles claims in the normal course of the person's practice or employment as an attorney at law and that does not collect charges or premiums in connection with life, annuity, or health coverage.
- (11) A health maintenance organization that has a certificate of authority issued under [IC 27-13](#).
- (12) A limited service health maintenance organization that has a certificate of authority issued under [IC 27-13](#).
- (13) A mortgage lender to the extent that the mortgage lender collects and remits premiums to an insurance producer or an authorized insurer in connection with a loan payment.
- (14) A person that:
 - (A) is licensed as a managing general agent as required under [IC 27-1-33](#); and
 - (B) acts exclusively within the scope of activities provided for under the license referred to in clause (A).
- (15) A person that:
 - (A) directly or indirectly underwrites, collects charges or premiums from, or adjusts or settles claims on residents of Indiana in connection with life, annuity, or health coverage provided by an insurer;
 - (B) is affiliated with the insurer; and

(C) performs the duties specified in clause (A) only according to a contract between the person and the insurer for the direct and assumed life, annuity, or health coverage provided by the insurer.