THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 13

Session of 2007

INTRODUCED BY MUSTO, MELLOW, RAFFERTY, FONTANA, O'PAKE, WOZNIAK, LAVALLE, LOGAN AND KITCHEN, MAY 2, 2007

REFERRED TO BANKING AND INSURANCE, MAY 2, 2007

AN ACT

1 2 3	Amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for optional health insurance coverage for certain children.
4	The General Assembly of the Commonwealth of Pennsylvania
5	hereby enacts as follows:
6	Section 1. Title 40 of the Pennsylvania Consolidated
7	Statutes is amended by adding a part to read:
8	<u>PART IV</u>
9	HEALTH CARE REFORM
10	<u>Chapter</u>
11	71. (Reserved)
12	72. Affordability
13	73. (Reserved)
14	74. (Reserved)
15	75. Miscellaneous Provisions
16	CHAPTER 71
17	(RESERVED)
18	CHAPTER 72

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AFFORDABILITY

- 2 Sec.
- 3 <u>7201</u>. (Reserved).
- 4 <u>7202.</u> (Reserved).
- 5 <u>7203</u>. (Reserved).
- 6 7204. (Reserved).
- 7 7205. (Reserved).
- 8 7206. Health insurance coverage for certain children of insured
- 9 <u>parents.</u>
- 10 7207. (Reserved).
- 11 <u>7208</u>. (Reserved).
- 12 § 7201. (Reserved).
- 13 § 7202. (Reserved).
- 14 § 7203. (Reserved).
- 15 § 7204. (Reserved).
- 16 § 7205. (Reserved).
- 17 § 7206. Health insurance coverage for certain children of
- insured parents.
- 19 (a) Option to cover certain children.--An insurer that
- 20 issues, delivers, executes or renews health care insurance in
- 21 this Commonwealth, under which coverage of a child would
- 22 otherwise terminate at a specified age, shall, at the option of
- 23 the child's parent or quardian, provide coverage to a child of
- 24 the insured beyond that specified age, up through the age of 29,
- 25 provided that the child meets all of the following requirements:
- 26 (1) Is not married.
- 27 (2) Has no dependents.
- 28 (3) Is a resident of this Commonwealth or is enrolled as
- 29 <u>a full-time student at an institution of higher education in</u>
- 30 this Commonwealth.

- 1 (4) Is not covered by another health insurance policy.
- 2 (b) Exercise of option. -- An insured may exercise the option
- 3 provided by subsection (a) at any time during the term of the
- 4 policy by notice to the insurer.
- 5 (c) Employer contribution. -- Employers shall not be required
- 6 to contribute to any increased premium charged by the insurer
- 7 for the exercise of the option provided by subsection (a), but
- 8 such contributions may be agreed to by the employer.
- 9 § 7207. (Reserved).
- 10 § 7208. (Reserved).
- 11 <u>CHAPTER 73</u>
- 12 (RESERVED)
- 13 <u>CHAPTER 74</u>
- 14 (RESERVED)
- 15 <u>CHAPTER 75</u>
- 16 <u>MISCELLANEOUS PROVISIONS</u>
- 17 Sec.
- 18 7501. Regulations.
- 19 7502. Enforcement.
- 20 <u>7503</u>. Severability.
- 21 § 7501. Regulations.
- 22 (a) Regulations promulgated under this part.--Except as
- 23 otherwise provided in this part, the promulgation of regulations
- 24 under this part by Commonwealth agencies given the authority to
- 25 promulgate regulations shall, until three years from the
- 26 <u>effective date of this section</u>, be exempt from the following:
- 27 (1) Section 205 of the Commonwealth Documents Law.
- 28 (2) The Commonwealth Attorneys Act.
- 29 <u>(3) The Regulatory Review Act.</u>
- 30 (b) Other regulations.--If, in the determination of the head

- 1 of a Commonwealth agency given authority to promulgate
- 2 regulations under this part, rulemaking is needed for purposes
- 3 of the safety of patients in this Commonwealth, the Commonwealth
- 4 agency may promulgate a final-omitted regulation under the
- 5 Regulatory Review Act.
- 6 § 7502. Enforcement.
- 7 (a) Determination of violation. -- Upon a determination that a
- 8 person licensed by the Insurance Department has violated any
- 9 provision of this part, the department may, subject to 2 Pa.C.S.
- 10 Chs. 5 Subch. A (relating to practice and procedure of
- 11 <u>Commonwealth agencies</u>) and 7 <u>Subch</u>. A (relating to judicial
- 12 review of Commonwealth agency action) do any of the following:
- 13 (1) Issue an order requiring the person to cease and
- desist from engaging in the violation.
- 15 (2) Suspend or revoke or refuse to issue or renew the
- certificate or license of the offending party or parties.
- 17 (3) Impose an administrative penalty of up to \$5,000 for
- 18 each violation.
- 19 (4) Seek restitution.
- 20 (5) Impose any other penalty or pursue any other remedy
- 21 <u>deemed appropriate by the commissioner.</u>
- 22 (b) Other remedies.--The enforcement remedies imposed under
- 23 this section are in addition to any other remedies or penalties
- 24 which be imposed by any other applicable statute, including the
- 25 act of July 22, 1974 (P.L.589, No.205), known as the Unfair
- 26 Insurance Practices Act. A violation by any person of this part
- 27 is deemed an unfair method of competition and an unfair or
- 28 <u>deceptive act of practice under the Unfair Insurance Practices</u>
- 29 <u>Act.</u>
- 30 (c) No private cause of action. -- Nothing in this part shall

- be construed as to create or imply a private cause of action for 1
- 2 <u>violation of this part.</u>
- 3 § 7503. Severability.
- (a) General rule. -- The provisions of this part are 4
- 5 severable. If any provision of this part or its application to
- any person or circumstance is held invalid, the invalidity shall 6
- not affect other provisions or applications of this part which 7
- can be given effect without the invalid provision or 8
- 9 application.
- 10 (b) (Reserved).
- (c) (Reserved). 11
- Section 2. This act shall take effect in 60 days. 12