

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 502 Session of
2009

INTRODUCED BY FOLMER, ALLOWAY, EARLL, ERICKSON, PICCOLA,
PILEGGI, WAUGH, M. WHITE AND D. WHITE, MARCH 2, 2009

REFERRED TO BANKING AND INSURANCE, MARCH 2, 2009

AN ACT

1 Providing for the expiration of certain State-mandated health
2 care insurance benefits and the provisions of certain acts
3 that impose mandatory covered providers and covered persons;
4 and requiring the Health Care Cost Containment Council to
5 submit a periodic report to the General Assembly.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the State-
10 mandated Health Care Insurance Expiration Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Council." The Health Care Cost Containment Council of the
16 Commonwealth.

17 "State-mandated health care insurance benefit." The right,
18 established by an act of the General Assembly, of an insured
19 under a health insurance policy to receive reimbursement from

1 the insurer of an expenditure or cost of a medical test,
2 procedure or service related to the health of the insured, which
3 test, procedure or service is provided by a medical provider.

4 Section 3. Mandatory covered benefit expiration.

5 (a) Existing provisions affected.--Notwithstanding any other
6 provision of law to the contrary:

7 (1) The following provisions shall expire two years from
8 the effective date of this section:

9 (i) Sections 635.2 and 635.3 of the act of May 17,
10 1921 (P.L.682, No.284), known as The Insurance Company
11 Law of 1921.

12 (ii) Section 4 of the act of May 18, 1976 (P.L.123,
13 No.54), known as the Individual Accident and Sickness
14 Insurance Minimum Standards Act.

15 (2) The following provisions shall expire three years
16 from the effective date of this section:

17 (i) Sections 602-A and 603-A of the act of May 17,
18 1921 (P.L.682, No.284), known as The Insurance Company
19 Law of 1921.

20 (ii) Section 4 of the act of December 19, 1986 (P.L.
21 1737, No.209), known as the Insurance Payment to
22 Registered Nurse Law.

23 (3) The following provisions shall expire four years
24 from the effective date of this section:

25 (i) Section 2111(4) and (7) of the Insurance Company
26 Law of 1921.

27 (ii) Section 3 of the act of May 21, 1992 (P.L.239,
28 No.35), known as the Childhood Immunization Insurance
29 Act.

30 (iii) Section 4 of the act of April 22, 1994 (P.L.

1 136, No.20), known as the Women's Preventative Health
2 Services Act.

3 (iv) Section 3 of the act of July 2, 1996 (P.L.514,
4 No.85), known as the Health Security Act.

5 (v) Section 4 of the act of December 20, 1996 (P.L.
6 1492, No.191), known as the Medical Foods Insurance
7 Coverage Act.

8 (b) Future provisions affected.--Any act or part of an act
9 of the General Assembly that is enacted after the effective date
10 of this section and provides for the imposition of a State-
11 mandated health care insurance benefit shall expire five years
12 after the effective date of such act or part of the act.

13 Section 4. Mandatory covered provider expiration.

14 (a) Existing provisions.--Notwithstanding any other
15 provision of law to the contrary:

16 (1) The following provisions shall expire one year from
17 the effective date of this section:

18 The act of December 27, 1965 (P.L.1247, No.506), entitled
19 "An act relating to the reimbursement or payments for
20 providing and furnishing optometric services in contracts,
21 certificates and policies by various insurance and other
22 companies, and limiting the provisions in relation thereto."

23 (2) The following provisions shall expire two years
24 after the effective date of this section:

25 (i) The act of August 12, 1971 (P.L.313, No.78),
26 entitled "An act providing for elimination of
27 discriminatory provisions relating to compensation for
28 services and treatment under sickness and accident
29 insurance contracts and providing for nondiscriminatory
30 reimbursement of sickness and bodily injury claims

thereunder."

(ii) The act of April 18, 1978 (P.L.33, No.16),
entitled "An act providing reimbursement to insured by
insurance company for services performed by a
psychologist."

(3) The following provisions shall expire three years
from the effective date of this section:

(i) The act of December 23, 1981 (P.L.583, No.168),
entitled "An act providing for reimbursement by insurance
companies and others for facilities used by or for
services performed by licensed certified nurse midwives."

(ii) The act of December 19, 1986 (P.L.1737,
No.209), known as the Insurance Payment to Registered
Nurse Law.

(b) Future provisions affected.--Any act or part of an act
of the General Assembly that is enacted after the effective date
of this section and requires insurers of health or accident
insurance to reimburse for services provided by any provider of
medical services of any kind shall expire five years after the
effective date of such act or part of the act.

Section 5. Mandatory covered persons expiration.

(a) Existing provisions.--Notwithstanding any other
provision of law to the contrary:

(1) The following provisions shall expire one year from
the effective date of this section:

Section 617(A)(9) of the act of May 17, 1921 (P.L.682,
No.284), known as The Insurance Company Law of 1921.

(2) The following provisions shall expire two years from
the effective date of this section:

(i) Section 621.2(d) of The Insurance Company Law of

1 1921.

2 (ii) The act of August 1, 1975 (P.L.157, No.81),
3 entitled "An act providing for the health and welfare of
4 newborn children and their parents by regulating certain
5 health insurance coverage for newborn children."

6 (3) The following provisions shall expire four years
7 from the effective date of this section:

8 The act of December 16, 1994 (P.L.1333, No.152),
9 entitled, "An act requiring health insurers to cover adopted
10 children."

11 (b) Future provisions affected.--Any act or part of an act
12 of the General Assembly that is enacted after the effective date
13 of this section and requires insurers of health or accident
14 insurance to reimburse for services provided to certain
15 specified covered persons as insureds expires five years after
16 the effective date of such act or part of the act.

17 Section 6. Report to General Assembly.

18 No later than 60 days prior to the expiration of the
19 provisions of the acts identified under section 3(a), 4(a) or
20 5(a) and the expiration of the provisions of an act to which
21 section 3(b), 4(b) or 5(b) applies, the council shall submit a
22 written report to the General Assembly that includes an analysis
23 of the impact that the provisions of those acts identified under
24 section 3(a), 4(a) or 5(a) or that act to which section 3(b),
25 4(b) or 5(b) applies, on the cost of health insurance premiums
26 in this Commonwealth.

27 Section 20. Effective date.

28 This act shall take effect in 60 days.