

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1138 Session of
2009

INTRODUCED BY LEACH, HUGHES, FERLO, WASHINGTON, TARTAGLIONE AND
FARNESE, NOVEMBER 10, 2009

REFERRED TO BANKING AND INSURANCE, NOVEMBER 10, 2009

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," providing for coverage for eating
12 disorder treatment.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
16 as The Insurance Company Law of 1921, is amended by adding a
17 section to read:

18 Section 635.4. Coverage for Eating Disorder Treatment.--(a)
19 All health insurance policies as defined in this section shall
20 provide coverage for treatment of eating disorders, including
21 coverage for residential treatment of eating disorders, if such
22 treatment is medically necessary in accordance with the practice
23 guidelines for the treatment of patients with eating disorders,

1 as most recently published by the American Psychiatric
2 Association.

3 (b) A health insurance policy and an insurer shall not:

4 (1) deny to an individual eligibility, or continued
5 eligibility, to enroll or to renew coverage under the terms of
6 the health insurance policy, solely for the purpose of avoiding
7 the requirement of this section;

8 (2) provide monetary payments, rebates or other benefits to
9 an individual to encourage the individual to accept less than
10 the minimum protections available under this section;

11 (3) penalize or otherwise reduce or limit the reimbursement
12 of a provider because the provider provided care to an
13 individual participant or beneficiary in accordance with this
14 section;

15 (4) provide incentives, monetary or otherwise, to a provider
16 to induce the provider to provide care to an individual
17 participant or beneficiary in a manner inconsistent with this
18 section; or

19 (5) deny to an individual participant or beneficiary
20 continued eligibility to enroll or to renew coverage under the
21 terms of the policy solely because the individual was previously
22 found to have an eating disorder or to have received treatment
23 for an eating disorder.

24 (c) Nothing in this section may be construed as preventing a
25 health insurance policy from imposing deductibles, coinsurance
26 or other cost-sharing in relation to treatment for eating
27 disorders, except that the deductibles, coinsurance or other
28 cost-sharing shall not be greater than the deductibles,
29 coinsurance or other cost-sharing imposed on other comparable
30 medical or surgical services covered under the policy.

1 (d) For the purpose of this section:

2 (1) "Eating disorder" means anorexia nervosa, bulimia
3 nervosa and eating disorders not otherwise specified, including
4 binge eating disorder, as defined in the most recent edition of
5 Diagnostic and Statistical Manual of Mental Disorders.

6 (2) "Health insurance policy" means any group health,
7 sickness or accident policy or subscriber contract or
8 certificate offered to groups of fifty-one (51) or more employes
9 issued by an entity subject to any one of the following:

10 (i) This act.

11 (ii) The act of December 29, 1972 (P.L.1701, No.364), known
12 as the "Health Maintenance Organization Act."

13 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
14 corporations) or 63 (relating to professional health services
15 plan corporations).

16 The term does not include accident only, fixed indemnity,
17 limited benefit, credit, dental, vision, specified disease,
18 Medicare supplement, Civilian Health and Medical Program of the
19 Uniformed Services (CHAMPUS) supplement, long-term care or
20 disability income, workers' compensation or automobile medical
21 payment insurance.

22 (3) "Insurer" means any entity offering a health insurance
23 policy as defined in this section.

24 Section 2. This act shall take effect in 60 days.