
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1899 Session of
2021

INTRODUCED BY B. MILLER, FREEMAN, GREINER, BOBACK, BROOKS, HILL-
EVANS, MOUL, JOZWIAK, ZIMMERMAN, ROWE, RYAN, D. WILLIAMS,
FITZGERALD, HENNESSEY, GILLEN, THOMAS, JONES AND WENTLING,
SEPTEMBER 22, 2021

REFERRED TO COMMITTEE ON INSURANCE, SEPTEMBER 22, 2021

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, providing for notification requirements for older
3 adult health insurance policies.

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 chapter to read:

8 CHAPTER 45

9 NOTIFICATION REQUIREMENTS FOR

10 OLDER ADULT HEALTH INSURANCE POLICIES

11 Sec.

12 4501. Definitions.

13 4502. Power of attorney notification.

14 § 4501. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

1 "Agent." A person designated in a power of attorney.

2 "Health insurance policy." As defined in section 4001
3 (relating to definitions).

4 "Older adult." An individual in this Commonwealth who is 60
5 years of age or older.

6 § 4502. Power of attorney notification.

7 (a) Duties of insurer.--An insurer shall:

8 (1) If an older adult is enrolling in a health insurance
9 policy, ask the older adult if the older adult has a power of
10 attorney which provides for health care decision making and
11 request the older adult provide the name and contact
12 information of the agent.

13 (2) Inform the older adult that the purpose of
14 collecting the information under paragraph (1) is to provide
15 the agent with notification of the older adult enrolling in
16 or canceling a health insurance policy.

17 (3) If the insurer has an agent on file for an older
18 adult, notify the agent in writing if the older adult enrolls
19 in or cancels a health insurance policy and send a copy of
20 the notification to the older adult. The notification shall
21 inform the older adult of the rescission period under
22 subsection (b) and the effect of invoking the right of
23 rescission.

24 (b) Rescission period.--If an agent is notified as provided
25 under subsection (a), the older adult has the right, within 30
26 days, to rescind enrollment in or cancellation of the health
27 insurance policy without penalty.

28 (c) Revocation of power of attorney.--If an older adult
29 revokes a power of attorney and notifies the insurer of the
30 revocation, the duties of the insurer under subsection (a) shall

1 not apply.

2 (d) Defense.--Good faith reliance on the information
3 provided by an older adult shall be a complete defense to any
4 civil or criminal action brought against an insurer based on
5 actions taken by the insurer under this section.

6 Section 2. This act shall apply to enrollments and
7 cancellations of health insurance policies by older adults that
8 occur after the effective date of this section.

9 Section 3. This act shall take effect in 60 days.