

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 607

Session of
1985

INTRODUCED BY ARTY, PRATT, E. Z. TAYLOR, HASAY, ITKIN, FEE,
PERZEL, COHEN, AFFLERBACH, BATTISTO, JOHNSON, LETTERMAN,
GRUPPO, LINTON, CALTAGIRONE, NAHILL, HARPER, BELARDI,
SEVENTY, LUCYK, MICHLOVIC, SEMMEL, DURHAM, BURD, KUKOVICH,
MERRY, PUNT, CIVERA, JOSEPHS, PRESSMANN, LASHINGER, STABACK,
KOSINSKI, BLAUM, TIGUE, VEON, FREEMAN, CAWLEY, MILLER,
McCALL, TRUMAN, DUFFY, COLE, CARN, ANGSTADT, TRELLO,
GREENWOOD, RAYMOND, HAGARTY, BOOK, JAROLIN, OLIVER, GRUITZA,
DONATUCCI, POTT, DAWIDA, IRVIS, VAN HORNE AND FOX, MARCH 18,
1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 24, 1986

AN ACT

1 Providing for reimbursement by insurance companies, professional
2 health service plan corporations, fraternal benefit societies
3 and voluntary nonprofit health service plans for service
4 performed by a registered nurse; and providing further duties
5 of the Insurance Department.

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 Insurance
10 Payment to Registered Nurse Law.

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 "Department." The Insurance Department of the Commonwealth.

1 Section 3. Policies and contracts covered.

2 (a) Coverage enumerated.--This act shall apply to every
3 group policy, contract or certificate issued thereunder, of
4 health, sickness or accident insurance delivered or issued for
5 delivery within the Commonwealth including, but not limited to,
6 policies, contracts or certificates issued by:

7 (1) Any stock insurance company as described in section
8 202(c)(4) and (11) and any mutual insurance company as
9 described in section 202(d)(1) of the act of May 17, 1921
10 (P.L.682, No.284), known as The Insurance Company Law of
11 1921.

12 (2) Any hospital plan corporation as defined in 40
13 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

14 (3) Any professional health services plan corporation as
15 defined 40 Pa.C.S. Ch. 63 (relating to professional health
16 services plan corporations).

17 (4) Any fraternal benefit society as defined in 40
18 Pa.C.S. Ch. 65 (relating to fraternal benefits societies).

19 (5) Any voluntary nonprofit health service plan as
20 defined in the act of December 29, 1972 (P.L.1701, No.364),
21 known as the Health Maintenance Organization Act.

22 (6) Any person who sells or issues contracts or
23 certificates of insurance which meet the requirements of this
24 act.

25 (b) Application of act.--This act shall apply to policies,
26 contracts or certificates issued, renewed, modified, altered,
27 amended or reissued on and after the effective date of this act.

28 Section 4. Scope of coverage.

29 (a) General rule.--When a service is performed by a
30 certified registered nurse anesthetist, certified registered

1 nurse practitioner, certified enterostomal therapy nurse,
2 certified community health nurse, certified psychiatric mental
3 health nurse, or certified clinical nurse specialist, certified
4 by the State Board of Nursing or a national nursing organization
5 recognized by the State Board of Nursing and lawfully permitted
6 to perform that service under the act of May 22, 1951 (P.L.317,
7 No.69), known as The Professional Nursing Law, and a policy,
8 contract or certificate provides for reimbursement for that
9 service, the insured or any other person covered shall be
10 entitled to reimbursement either to the insured or to the
11 registered professional nurse providing that service. This
12 section does not apply to ~~usual and customary nursing services~~ <—
13 ~~provided to patients in~~ REGISTERED PROFESSIONAL NURSES WHO ARE <—
14 EMPLOYEES OF health care facilities as the term "health care
15 facilities" is defined in the act of July 19, 1979 (P.L.130,
16 No.48), known as the Health Care Facilities Act.

17 (b) Application of reimbursement process.--Nothing in this
18 section shall apply to the assignment of benefits and payment of
19 claims process of a stock insurance company and a mutual
20 insurance company as set forth in section 3(a)(1).

21 (c) Nonduplication of payments.--Duplicate payments shall
22 not be made to either:

23 (1) both a nurse provider as set forth in subsection (a)
24 and another provider; or

25 (2) to the same provider
26 for the same services provided in a single encounter.

27 Section 5. Rules and regulations.

28 The department shall, in the manner provided by law,
29 promulgate the rules, regulations and forms necessary to carry
30 out this act. Following publication of the initial set of

1 proposed regulations in the Pennsylvania Bulletin, but prior to
2 their formal adoption, the department shall hold public hearings
3 thereon.

4 Section 6. Construction of act.

5 Nothing in this act shall be deemed to affect or impair the
6 act of May 22, 1951 (P.L.317, No.69), known as The Professional
7 Nursing Law, nor to confer upon any public or private
8 organization or agency the power to interpret or enforce this
9 act, except as may be provided for therein.

10 Section 7. Effective date.

11 This act shall take effect in 90 days.