

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1396 Session of
1993

INTRODUCED BY GREENLEAF, FISHER, HELFRICK, JONES, PECORA AND
MUSTO, OCTOBER 20, 1993

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1994

AN ACT

1 Establishing a public information and education program on
2 diethylstilbestrol in the Department of Health; and providing
3 for the powers and duties of the Department of Health and for
4 certain health insurance policies.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the
9 Diethylstilbestrol Public Information and Education Act.

10 Section 2. Definitions.

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

14 "Department." The Department of Health of the Commonwealth.

15 "DES." THE CHEMICAL DIETHYLSTILBESTROL.

16 "EXPOSED PERSON." A PERSON WHO EITHER TOOK

17 DIETHYLSTILBESTROL (DES) WHILE PREGNANT OR ONE WHO WAS EXPOSED

<—

1 ~~geographical distribution of persons exposed to~~
2 ~~diethylstilbestrol and the capacity of the provider to properly~~
3 ~~screen for breast cancer, vaginal cancer, cervical cancer,~~
4 ~~vaginal adenosis, testicular cancer and any other malignancy and~~
5 ~~abnormal conditions resulting from exposure to~~
6 ~~diethylstilbestrol.~~

7 ~~(d) Contract terms and fees. Each contract for a regional~~
8 ~~screening program shall be upon the terms and conditions as the~~
9 ~~department determines. However, the expenses incurred shall be~~
10 ~~reimbursed by the Commonwealth after applying against the total~~
11 ~~cost of screening and diagnosis the amounts received from third-~~
12 ~~party payers and less any fee charged each person receiving the~~
13 ~~services. The department shall determine a sliding fee scale~~
14 ~~based on the ability to pay.~~

15 ~~(e) Training in detection. Each health care provider that~~
16 ~~enters into a contract as provided for in this section shall~~
17 ~~conduct a training program in conjunction with the department~~
18 ~~for purposes of instructing physicians, physician assistants and~~
19 ~~nurses within the respective health services region in the~~
20 ~~screening, early detection and treatment of diethylstilbestrol-~~
21 ~~exposed persons.~~

22 ~~Section 4. Registry.~~

23 ~~The department shall establish and maintain a registry of~~
24 ~~women who took diethylstilbestrol while pregnant and their~~
25 ~~offspring who were exposed to diethylstilbestrol while prenatal~~
26 ~~for the purpose of follow up care and treatment of long term~~
27 ~~problems associated with diethylstilbestrol exposure. Enrollment~~
28 ~~in the registry shall be upon a voluntary basis.~~

29 ~~Section 5. Agency cooperation.~~

30 ~~The department may request and shall receive from any~~

1 ~~Commonwealth agency or political subdivision any assistance and~~
2 ~~data as will enable the department to properly carry out its~~
3 ~~activities under the provisions of this act.~~

4 ~~Section 6. Annual report.~~

5 ~~The department shall make an annual report to the General~~
6 ~~Assembly of its findings and recommendations concerning the~~
7 ~~effectiveness, impact and benefits derived from the program~~
8 ~~provided for under section 3. The report shall be delivered on~~
9 ~~or before the first day of February and shall contain an~~
10 ~~evaluation of the program and any proposal for legislation~~
11 ~~deemed necessary and proper.~~

12 ~~Section 7. Insurance.~~

13 ~~An individual or group health insurance policy shall not be~~
14 ~~denied or canceled or fail to be renewed, or excessive rates~~
15 ~~charged or restrictions or length of coverage imposed, because~~
16 ~~the insured person has been exposed to diethylstilbestrol while~~
17 ~~pregnant or prenatal.~~

18 ~~Section 8. Regulations.~~

19 ~~The department may adopt regulations to implement the~~
20 ~~provisions of this act.~~

21 ~~Section 9. Effective date.~~

22 ~~This act shall take effect immediately.~~

23 SECTION 3. PUBLIC INFORMATION AND EDUCATION PROGRAM. <—

24 (A) PURPOSE.--FOR THE PURPOSE OF EDUCATING EXPOSED PERSONS
25 TO THE POTENTIAL HAZARDS AND AFFLICTIONS OF DES CONCERNING THE
26 SYMPTOMS AND EARLY DETECTION OF ASSOCIATED MALIGNANCIES AND
27 OTHER ABNORMALITIES, THE DEPARTMENT SHALL ESTABLISH, PROMOTE AND
28 MAINTAIN PUBLIC AND PROFESSIONAL INFORMATION AND EDUCATION
29 PROGRAMS ON DES.

30 (B) PUBLIC INFORMATION AND EDUCATION.--THE PROGRAM SHALL BE

1 CONDUCTED THROUGHOUT THIS COMMONWEALTH AND SHALL INCLUDE, BUT
2 NOT BE LIMITED TO, A CONCERTED EFFORT TO REACHING EXPOSED
3 PERSONS. THE PURPOSE OF THE CAMPAIGN WILL BE TO ENCOURAGE
4 EXPOSED PERSONS TO SEEK MEDICAL CARE AND TO INFORM THE PUBLIC OF
5 DES-RELATED CONDITIONS.

6 (C) PROFESSIONAL INFORMATION AND EDUCATION.--THE DEPARTMENT
7 SHALL OFFER INFORMATION TO SUCH HEALTH CARE PROVIDERS WHO WOULD
8 USUALLY ENCOUNTER EXPOSED PERSONS. THESE PRACTITIONERS SHALL
9 INCLUDE: UROLOGISTS, ONCOLOGISTS, FAMILY PRACTITIONERS,
10 OBSTETRICIAN/GYNECOLOGISTS, NURSE MIDWIVES, CERTIFIED REGISTERED
11 NURSE PRACTITIONERS, PHYSICIAN'S ASSISTANTS, INTERNISTS,
12 APPLICABLE MEDICAL SCHOOL DEPARTMENTS AND FAMILY PLANNING
13 COUNCILS. ADDITIONALLY, THE DEPARTMENT SHALL URGE SUCH
14 PRACTITIONERS TO INCLUDE SCREENING RELATING TO EXPOSURE TO DES
15 AS A PART OF THE PATIENT MEDICAL HISTORY.

16 SECTION 4. REPORT.

17 THE DEPARTMENT SHALL MAKE A REPORT TO THE GENERAL ASSEMBLY
18 TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ACT ITS FINDINGS AND
19 RECOMMENDATIONS CONCERNING IMPACT, EFFECTIVENESS AND BENEFITS
20 DERIVED FROM THE PROGRAM PROVIDED UNDER SECTION 3.

21 SECTION 5. INSURANCE.

22 (A) ADVERSE ACTION PROHIBITED.--AN INDIVIDUAL OR GROUP
23 HEALTH INSURANCE POLICY SHALL NOT BE DENIED, CANCELED OR
24 NONRENEWED, OR PROVIDE AN EXCLUSION OR ANY RESTRICTION IMPOSED,
25 BECAUSE THE INSURED IS AN EXPOSED PERSON.

26 (B) POLICY DEFINED.--A POLICY IS A SUBSCRIBER CONTRACT OR
27 CERTIFICATE WHICH IS ISSUED BY AN ENTITY TO COVER HEALTH,
28 HOSPITAL, MEDICAL OR SURGICAL SERVICES FOR AN INDIVIDUAL AND IS
29 SUBJECT TO:

30 (1) SECTION 630 OF THE ACT OF MAY 17, 1921 (P.L.682,

1 NO.284), KNOWN AS THE INSURANCE COMPANY LAW OF 1921.

2 (2) THE ACT OF DECEMBER 29, 1972 (P.L.1701, NO.364),
3 KNOWN AS THE HEALTH MAINTENANCE ORGANIZATION ACT.

4 (3) THE ACT OF DECEMBER 14, 1992 (P.L.835, NO.134),
5 KNOWN AS THE FRATERNAL BENEFIT SOCIETIES CODE.

6 (4) THE PROVISIONS OF 40 PA.C.S. CH. 61 (RELATING TO
7 HOSPITAL PLAN CORPORATIONS).

8 (5) THE PROVISIONS OF 40 PA.C.S. CH. 63 (RELATING TO
9 PROFESSIONAL HEALTH SERVICES PLAN CORPORATIONS).

10 (6) AN EMPLOYEE WELFARE BENEFIT PLAN AS DEFINED IN
11 SECTION 3 OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF
12 1974 (PUBLIC LAW 93-406, 88 STAT. 829).

13 SECTION 6. REGULATIONS.

14 THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE
15 PROVISIONS OF THIS ACT.

16 SECTION 7. EFFECTIVE DATE.

17 THIS ACT SHALL TAKE EFFECT JULY 1, 1995.