

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 320** Session of
2007

INTRODUCED BY O'NEILL, BENNINGHOFF, BEYER, BOYD, BUXTON,
CALTAGIRONE, CAUSER, CLYMER, DALEY, FABRIZIO, FREEMAN,
GALLOWAY, GEIST, GEORGE, GINGRICH, GRUCELA, HENNESSEY,
HERSHEY, HESS, LEACH, LEVDANSKY, MACKERETH, MELIO, MILLARD,
R. MILLER, PETRONE, RAPP, REED, SABATINA, SCAVELLO, SIPTROTH,
SOLOBAY, SONNEY, STABACK, STERN, SURRA, SWANGER, TRUE, VEREB,
WALKO, WATSON, YOUNGBLOOD, DENLINGER, PICKETT, KORTZ, ROAE,
MARSHALL AND LONGIETTI, FEBRUARY 7, 2007

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,
SEPTEMBER 16, 2008

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," prohibiting discrimination against
12 volunteer ambulance services.

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 635.2. Discrimination Against Volunteer Ambulance
19 Services Prohibited.--(a) An insurer shall be required to

1 contract with and to accept as a participating provider any
2 willing provider of volunteer ambulance services. An insurer
3 shall not discriminate against a provider of volunteer ambulance
4 services who agrees to accept negotiated payment levels and to
5 adhere to quality standards established by the insurer.

6 (b) Whenever a volunteer ambulance service is properly
7 dispatched by a public safety answering point as defined in the
8 act of July 9, 1990 (P.L.340, No.78), known as the "Public
9 Safety Emergency Telephone Act," any payment made by an insurer
10 for a claim covered under a health insurance policy for a
11 service performed by the volunteer ambulance service during such
12 call shall be paid directly to the volunteer ambulance service,
13 regardless of whether the ambulance service is a participating
14 provider with the insurer.

15 (C) THE FOLLOWING SHALL APPLY:

16 (1) AN INSURED MAY, THROUGH THE ASSIGNMENT OF BENEFITS,
17 ASSIGN TO A WILLING PROVIDER OF VOLUNTEER AMBULANCE SERVICES HIS
18 RIGHT TO RECEIVE REIMBURSEMENT FOR ANY SERVICE PERFORMED BY A
19 VOLUNTEER AMBULANCE SERVICE.

20 (2) A VOLUNTEER AMBULANCE SERVICE PROVIDED AN ASSIGNMENT OF
21 BENEFITS BY AN INSURED SHALL SUBMIT A COPY OF THAT ASSIGNMENT OR
22 PROVIDE A NOTICE OF THE ASSIGNMENT OF BENEFITS ON A FORM AND IN
23 A MANNER PRESCRIBED BY THE DEPARTMENT TO THE INSURER WITH ANY
24 CLAIM FOR PAYMENT FOR ANY AMBULANCE SERVICE PERFORMED BY THE
25 VOLUNTEER AMBULANCE SERVICE.

26 (3) THE INSURER, BASED UPON THE CLAIM AND NOTICE OF THE
27 ASSIGNMENT OF BENEFITS SUBMITTED BY THE VOLUNTEER AMBULANCE
28 SERVICE, SHALL REMIT PAYMENT OF THE CLAIM DIRECTLY TO THE
29 VOLUNTEER AMBULANCE SERVICE WITHIN THE TIME FRAME ESTABLISHED BY
30 THIS ACT FOR REMITTING PAYMENT ON A CLAIM AND PROVIDE WRITTEN

1 NOTICE, WITHIN THE SAME APPLICABLE TIME FRAME, OF THE PAYMENT TO
2 THE INSURED.

3 (4) IF THE INSURED EXECUTES AN ASSIGNMENT OF BENEFITS AND
4 THE VOLUNTEER AMBULANCE SERVICE SUBMITS NOTICE OF THAT
5 ASSIGNMENT OF BENEFITS WITH ITS CLAIM FOR PAYMENT PURSUANT TO
6 PARAGRAPH (2), BUT THE INSURER REMITS PAYMENT OF THE CLAIM TO
7 THE INSURED, THE CLAIM SHALL NOT BE CONSIDERED PAID. THE INSURER
8 SHALL, NOTWITHSTANDING THE INCORRECT PAYMENT OF THE CLAIM TO THE
9 INSURED, REMAIN LIABLE FOR REMITTING PAYMENT OF THE CLAIM TO THE
10 VOLUNTEER AMBULANCE SERVICE PURSUANT TO THE ASSIGNMENT OF
11 BENEFITS.

12 ~~(e)~~ (D) As used in this section:

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13 (1) "Insurer" means an entity that is responsible for
14 providing or paying for all or part of the cost of ambulance
15 services covered by an insurance policy, contract or plan. An
16 insurer includes an entity subject to:

17 (i) This act.

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

20 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
21 corporations) or 63 (relating to professional health services
22 plan corporations).

23 (2) "Volunteer ambulance service" means any nonprofit
24 chartered corporation, association or organization located in
25 this Commonwealth, which is licensed by the Department of Health
26 and is not associated or affiliated with any hospital and which
27 is regularly engaged in the provision of emergency medical
28 services, including basic life support or advanced life support
29 services and the transportation of patients within this
30 Commonwealth. ~~The term shall not include any corporation,~~

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1 ~~association or organization that is primarily engaged in the~~
2 ~~operation of invalid coaches that are intended for the routine~~
3 ~~transport of persons who are convalescent or otherwise~~
4 ~~nonambulatory and do not ordinarily require emergency medical~~
5 ~~treatment while in transit.~~

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