

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1558 Session of 2011

INTRODUCED BY READSHAW, D. COSTA, MOUL, DeWEESE, CUTLER, DALEY, DAVIS, FARRY, GEORGE, GINGRICH, GOODMAN, GROVE, HORNAMAN, KNOWLES, KOTIK, KULA, MAHONEY, MIRABITO, PRESTON, ROAE, SABATINA, K. SMITH, STABACK, TALLMAN, WAGNER AND GIBBONS, MAY 18, 2011

REFERRED TO COMMITTEE ON INSURANCE, MAY 18, 2011

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 635.6. Discrimination Against Volunteer Ambulance  
19 Services Prohibited.--(a) An insurer shall be required to  
20 contract with and to accept as a participating provider any  
21 willing provider of volunteer ambulance services. An insurer

1 shall not discriminate against a provider of volunteer ambulance  
2 services who agrees to accept negotiated payment levels and to  
3 adhere to quality standards established by the insurer.

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

13 (c) The following shall apply:

14 (1) An insured may, through the assignment of benefits,  
15 assign to a willing provider of volunteer ambulance services his  
16 right to receive reimbursement for any service performed by a  
17 volunteer ambulance service.

18 (2) A volunteer ambulance service provided an assignment of  
19 benefits by an insured shall submit a copy of that assignment or  
20 provide a notice of the assignment of benefits on a form and in  
21 a manner prescribed by the department to the insurer with any  
22 claim for payment for any ambulance service performed by the  
23 volunteer ambulance service.

24 (3) The insurer, based upon the claim and notice of the  
25 assignment of benefits submitted by the volunteer ambulance  
26 service, shall remit payment of the claim directly to the  
27 volunteer ambulance service within the time frame established by  
28 this act for remitting payment on a claim and provide written  
29 notice, within the same applicable time frame, of the payment to  
30 the insured.

1     (4) If the insured executes an assignment of benefits and  
2 the volunteer ambulance service submits notice of that  
3 assignment of benefits with its claim for payment pursuant to  
4 paragraph (2), but the insurer remits payment of the claim to  
5 the insured, the claim shall not be considered paid. The insurer  
6 shall, notwithstanding the incorrect payment of the claim to the  
7 insured, remain liable for remitting payment of the claim to the  
8 volunteer ambulance service pursuant to the assignment of  
9 benefits.

10     (d) As used in this section:

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

16     (i) This act.

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

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

22 For purposes of this definition, an "insurance policy, contract  
23 or plan" does not include the following types of insurance or  
24 any combination thereof: accident only, fixed indemnity, limited  
25 benefit, credit, dental, vision, specified disease, Medicare  
26 supplement, Civilian Health and Medical Program of the Uniformed  
27 Services (CHAMPUS) supplement, long-term care or disability  
28 income, workers' compensation or automobile medical payment  
29 insurance.

30     (2) "Volunteer ambulance service" means any nonprofit

1 chartered corporation, association or organization located in  
2 this Commonwealth, which is licensed by the Department of Health  
3 and is not associated or affiliated with any hospital and which  
4 is regularly engaged in the provision of emergency medical  
5 services, including basic life support or advanced life support  
6 services and the transportation of patients within this  
7 Commonwealth.

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