

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **487** Session of
2015

INTRODUCED BY McILHINNEY, ARGALL, GORDNER, FONTANA, BREWSTER,
TARTAGLIONE, ALLOWAY, COSTA, RAFFERTY, BOSCOLA, SMITH,
TOMLINSON, SCHWANK AND WARD, FEBRUARY 13, 2015

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 27, 2015

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," providing for limits on copayments
12 for insured medical services provided by a physical
13 therapist, chiropractor and occupational therapist.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
17 as The Insurance Company Law of 1921, is amended by adding an
18 article to read:

19 ARTICLE X-B.

20 FAIRNESS IN MULTIPLE COPAYMENTS.

21 Section 1001-B. Declaration of intent.

22 The general purpose of this article is to provide fairness

1 for persons seeking appropriate MEDICALLY NECESSARY physical
2 therapy, chiropractic and occupational therapy who are sharing
3 the cost of the care pursuant to a health insurance policy by
4 prohibiting the imposition of multiple copayments for licensed
5 physical therapy, chiropractic and occupational therapy
6 services.

7 Section 1002-B. Definitions.

8 The following words and phrases when used in this article
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Chiropractic." As defined in section 102 of the act of
12 December 16, 1986 (P.L.1646, No.188), known as the Chiropractic
13 Practice Act.

14 "Copayment." A specific dollar amount a covered person must
15 pay for services rendered by a provider under a health benefit
16 plan.

17 "Health insurance policy." As follows:

18 (1) An individual or group health insurance policy,
19 contract or plan that provides medical or health care
20 coverage by a health care facility or licensed health care
21 provider that is offered by or is governed under any of the
22 following:

23 (i) This act.

24 (ii) The act of December 29, 1972 (P.L.1701,
25 No.364), known as the Health Maintenance Organization
26 Act.

27 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
28 corporations).

29 (iv) 40 Pa.C.S. Ch. 63 (relating to professional
30 health services plan corporations).

1 (2) The term does not include accident only, fixed
2 indemnity, limited benefit, credit, dental, vision, specified
3 disease, Medicare supplement, Civilian Health and Medical
4 Program of the Uniformed Services (CHAMPUS) supplement, long-
5 term care or disability income, workers' compensation or
6 automobile medical payment insurance.

7 "Occupational therapy." As defined in section 3 of the act
8 of June 15, 1982 (P.L.502, No.140), known as the Occupational
9 Therapy Practice Act.

10 "Physical therapy." As defined in section 2 of the act of
11 October 10, 1975 (P.L.383, No.110), known as the Physical
12 Therapy Practice Act.

13 Section 1003-B. Limits on copayments.

14 A health insurance policy that is delivered, issued for
15 delivery, renewed, extended or modified in this Commonwealth by
16 a health care insurer for services provided by a licensed
17 physical therapist, chiropractor and OR occupational therapist <--
18 provider may not subject an insured to more than one copayment
19 amount per visit or deplete more than one visit WITH ANY ONE <--
20 PROVIDER.

21 Section 1004-B. Regulations.

22 The department may promulgate regulations as may be necessary
23 or appropriate to carry out the provisions of this article.

24 Section 1005-B. Penalties.

25 A violation of this article by an insurer if committed
26 flagrantly and in conscious disregard of the provisions of this
27 article or with frequency sufficient to constitute a general
28 business practice shall be considered a violation of the act of
29 July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance
30 Practices Act. A violation of this article is deemed an unfair

1 method of competition and an unfair deceptive act or practice
2 pursuant to the Unfair Insurance Practices Act.

3 Section 1006-B. Applicability.

4 This article shall apply as follows:

5 (1) For health insurance policies for which either rates
6 or forms are required to be filed with the Federal Government
7 or the Insurance Department, this article shall apply to any
8 policy for which a form or rate is first filed on or after
9 the effective date of this section.

10 (2) For health insurance policies for which neither
11 rates nor forms are required to be filed with the Federal
12 Government or the Insurance Department, this article shall
13 apply to any policy issued or renewed on or after 180 days
14 after the effective date of this section.

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