

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 533 Session of 2019

INTRODUCED BY OWLETT, PICKETT, KAUFER, RYAN, MILLARD, SIMMONS, MENTZER, GREGORY, ROTHMAN, HEFFLEY, JAMES, LAWRENCE, DeLUCA, JONES, STURLA, WHEELAND, SNYDER, BOBACK, STEPHENS AND QUINN, FEBRUARY 19, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 20, 2019

AN ACT

1 Providing for the use of certain credentialing applications and
2 for credentialing requirements for health insurers; imposing
3 penalties; and conferring powers and imposing duties on the
4 Insurance Department.

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 Health Care
9 Practitioner Credentialing 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 "CAQH." The Council for Affordable Quality Healthcare.

15 "CAQH credentialing application." The application used to
16 collect the credentials data commonly requested by health
17 insurers for purposes of credentialing.

1 "Credentialing." The process of assessing and validating the
2 qualifications of a health care practitioner, including, but not
3 limited to, an evaluation of licensure status, education,
4 training, experience, competence and professional judgment.

5 "Federally qualified health center." A federally qualified
6 health center as defined in section 1905(1)(2)(B) of the Social
7 Security Act (49 Stat. 620, 42 U.S.C. § 1396d(1)(2)(B)), or a
8 federally qualified health center look-alike that is a
9 participating provider with the Department of Human Services
10 under the act of June 13, 1967 (P.L.31, No.21), known as the
11 Human Services Code.

12 "Health care practitioner." As defined under section 103 of
13 the act of July 19, 1979 (P.L.130, No.48), known as the Health
14 Care Facilities Act. The term shall include a health care
15 practitioner at a federally qualified health center.

16 "Health insurer." As follows:

17 (1) An entity that contracts or offers to contract to
18 provide, deliver, arrange for, pay for or reimburse any of
19 the costs of health care services in exchange for a premium,
20 including, but not limited to, a Medicaid managed care
21 organization as defined in section 1903(m)(1)(a) of the
22 Social Security Act, and an entity licensed under any of the
23 following:

24 (i) The act of May 17, 1921 (P.L.682, No.284), known
25 as The Insurance Company Law of 1921.

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

29 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
30 corporations).

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

3 (2) The term shall not include the following types of
4 insurance, or any combination thereof:

5 (i) Accident only.

6 (ii) Fixed indemnity.

7 (iii) Limited benefit.

8 (iv) Credit.

9 (v) Dental.

10 (vi) Vision.

11 (vii) Specified disease.

12 (viii) Medicare supplement.

13 (ix) Civilian Health and Medical Program of the
14 Uniformed Services (CHAMPUS) supplement.

15 (x) Long-term care or disability income.

16 (xi) Workers' compensation.

17 (xii) Automobile medical payment insurance.

18 (XIII) HOSPITAL INDEMNITY. <--

19 Section 3. Utilization of CAQH.

20 All health insurers licensed to do business in this
21 Commonwealth shall be required to accept the CAQH credentialing
22 application or other form designated by the Insurance Department
23 so long as the form is nationally recognized as an appropriate
24 credentialing application when submitted by a health care
25 practitioner for participation in the health insurer's provider
26 panel. All health care practitioners shall use the CAQH or other
27 designated form. An application shall be considered complete if
28 the application is submitted through the CAQH electronic process
29 or other process as designated by the Insurance Department and
30 all required information is provided.

1 Section 4. Credentialing.

2 The health insurer shall issue a credentialing determination
3 within ~~45~~ 60 days after receiving a complete CAQH credentialing <--
4 application. WHEN A HEALTH CARE PRACTITIONER IS NOT CREDENTIALLED <--
5 BY A HEALTH INSURER, THE HEALTH INSURER SHALL NOTIFY THE HEALTH
6 CARE PRACTITIONER IN WRITING OF THE REASONS FOR THE DECISION
7 WITHIN THE TIME FRAME SPECIFIED UNDER THIS SECTION.

8 Section 5. Penalty.

9 The Insurance Department shall assess an administrative
10 penalty on a health insurer for a failure to utilize CAQH, or
11 other designated application, or for intentionally and routinely
12 failing to complete the credentialing process according to
13 section 4. No health insurer shall be subject to an
14 administrative penalty based on a health care practitioner's
15 failure to use or complete a AN ACCURATE CAQH credentialing <--
16 application.

17 Section 6. Rights.

18 Nothing in this act shall be construed to guarantee the
19 rights of a health care practitioner to participate in any
20 health insurer network in this Commonwealth nor require a health
21 insurer to accept any willing health care provider to an
22 insurance network.

23 Section 7. Rules and regulations.

24 The Insurance Department shall promulgate rules and
25 regulations to administer and enforce this act.

26 Section 8. Repeals.

27 All acts and parts of acts are repealed insofar as they are
28 inconsistent with this act.

29 Section 9. Effective date.

30 This act shall take effect in 180 days.