
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1347 Session of
2019

INTRODUCED BY MASSER, WHEELAND, IRVIN, ULLMAN, READSHAW,
MACKENZIE, T. DAVIS, GROVE, MALONEY, SNYDER, BARRAR, STAATS,
MENTZER, JAMES, CAUSER, MILLARD, WARNER, STRUZZI, ZIMMERMAN,
MOUL, GAYDOS, OBERLANDER, LAWRENCE AND HEFFLEY, JUNE 17, 2019

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JUNE 17, 2019

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," in casualty insurance, further
12 providing for billing.

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

15 Section 1. Section 635.7 of the act of May 17, 1921
16 (P.L.682, No.284), known as The Insurance Company Law of 1921,
17 is amended to read:

18 Section 635.7. Billing.--(a) When an EMS agency is
19 dispatched by a public safety answering point as defined in 35
20 Pa.C.S. § 5302 (relating to definitions) or an EMS agency
21 dispatch center under 35 Pa.C.S. § 8129(i) (relating to

1 emergency medical services agencies) for an emergency and
2 provides medically necessary emergency medical services, a
3 payment made by an insurer for a claim covered under and in
4 accordance with a health insurance policy for an emergency
5 medical service performed by the EMS agency during the call
6 shall be paid directly to the EMS agency.

7 [(b) An insurer must reimburse a nonnetwork EMS agency under
8 the following:

9 (1) The EMS agency has submitted a completed standardized
10 form to the department requesting nonnetwork direct
11 reimbursement from an insurer an EMS agency has identified. The
12 form must be submitted to the department annually by October 15.
13 The form shall declare the EMS agency's intention to receive
14 direct payment from an insurer identified on the form for the
15 next calendar year. The department shall develop a standardized
16 form, using an EMS agency's assigned license number, to be used
17 by an EMS agency that meets the conditions established under
18 this section. The department shall develop and maintain a
19 publicly accessible electronic registry that indicates which EMS
20 agency has requested nonnetwork direct reimbursement from an
21 insurer identified on the form.

22 (2) An EMS agency has provided notification to the insurer
23 upon submitting a claim for reimbursement that the EMS agency is
24 registered with the department to receive direct reimbursement
25 as provided for under this section.]

26 (c) An EMS agency may be subject to periodic audits by an
27 insurer to examine claims for direct reimbursement under this
28 section. If, through the audit, the insurer identifies an
29 improper payment, the insurer may deduct the improper payment
30 from future reimbursements.

1 [(d) Where an insurer has reimbursed a nonnetwork EMS agency
2 at the same rate it has established for a network EMS agency,
3 the EMS agency may not bill the insured directly or indirectly
4 or otherwise attempt to collect from the insured for the service
5 provided, except for a billing to recover a copayment,
6 coinsurance or deductible as specified in the health insurance
7 policy.]

8 (e) An EMS agency that submits a form under this section may
9 solicit donations or memberships or conduct fundraising, except
10 that an EMS agency may not promise, suggest or infer to donors
11 that a donation will result in the donor not being billed
12 directly for any payment as provided under this section.
13 Notwithstanding this paragraph, an EMS agency may bill in
14 accordance with subsection (d). A violation of this section
15 shall be considered a violation of the act of December 17, 1968
16 (P.L.1224, No.387), known as the "Unfair Trade Practices and
17 Consumer Protection Law."]

18 (f) Claims paid under this section shall be subject to
19 section 2166.

20 (g) This section shall apply only to an EMS agency that is a
21 nonnetwork provider and provides emergency medical services,
22 unless preempted by Federal law.

23 (h) The following words and phrases when used in this
24 section shall have the meanings given to them in this subsection
25 unless the context clearly indicates otherwise:

26 ["Department." Department of Health of the Commonwealth.]

27 "EMS agency." As defined in 35 Pa.C.S. § 8103 (relating to
28 definitions).

29 "Emergency medical services." As defined in 35 Pa.C.S. §
30 8103 (relating to definitions).

1 "Insurer." As follows:

2 (1) An entity that is responsible for providing or paying
3 for all or part of the cost of emergency medical services
4 covered by an insurance policy, contract or plan. The term
5 includes an entity subject to:

6 (i) section 630, Article XXIV or any other provision of this
7 act;

8 (ii) the act of December 29, 1972 (P.L.1701, No.364), known
9 as the Health Maintenance Organization Act; or

10 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
11 corporations) or 63 (relating to professional health services
12 plan corporations).

13 (2) The term does not include an entity that is responsible
14 for providing or paying under an insurance policy, contract or
15 plan which meets any of the following:

16 (i) Is a homeowner's insurance policy.

17 (ii) Provides any of the following types of insurance:

18 (A) Accident only.

19 (B) Fixed indemnity.

20 (C) Limited benefit.

21 (D) Credit.

22 (E) Dental.

23 (F) Vision.

24 (G) Specified disease.

25 (H) Medicare supplement.

26 (I) Civilian Health and Medical Program of the Uniformed
27 Services (CHAMPUS) supplement.

28 (J) Long-term care.

29 (K) Disability income.

30 (L) Workers' compensation.

1 (M) Automobile medical payment insurance.

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