

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2024 Session of 2011

INTRODUCED BY MURT, CREIGHTON, DALEY, DONATUCCI, HARKINS,
HORNAMAN, JOSEPHS, KILLION, KOTIK, MAHONEY, PICKETT, RAPP,
READSHAW, SCHRODER, STEVENSON, STURLA, THOMAS, VULAKOVICH AND
YOUNGBLOOD, DECEMBER 20, 2011

REFERRED TO COMMITTEE ON INSURANCE, DECEMBER 20, 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," providing for acquired brain injury
12 disclosure.

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. Acquired Brain Injury Disclosure.--(a) Every
19 insurer shall supply each insured and enrollee and each
20 prospective insured and enrollee with the following written
21 information upon request. The information shall be easily
22 understandable by the layperson and shall include all of the

following:

(1) A description of coverage which includes the following:

(i) Behavioral optometry or vision therapy.

(ii) Case management.

(iii) Cognitive communication therapy.

(iv) Cognitive rehabilitation therapy.

(v) Cognitive remediation.

(vi) Community integration therapy.

(vii) Family education and counseling.

(viii) Hyperbaric oxygen therapy.

(ix) Neurobehavioral testing.

(x) Evaluation and treatment.

(xi) Neurocognitive therapy and rehabilitation.

(xii) Neuropsychological testing, evaluation and treatment.

(xiii) Neuropsychiatric evaluation and treatment.

(xiv) Neurofeedback therapy.

(xv) Occupational therapy.

(xvi) Physical therapy.

(xvii) Post-acute transition services.

(xviii) Speech and language therapy.

(xix) Vision biofeedback.

(2) A description of coverage, benefits and benefit maximums related to an acquired brain injury treatment and rehabilitation, including benefit limitations and exclusions of coverage, health care services and the definition of medical necessity used by the plan in determining whether these benefits will be covered.

(3) A description of all necessary prior authorizations.

(4) A description of an insurer's personnel responsible for case management and prior authorizations of an insured or

1 enrollee with an acquired brain injury.

2 (5) Other information as may be required by the department.

3 (b) The department, in consultation with the Department of
4 Health's Traumatic Brain Injury Advisory Board, shall promulgate
5 regulations concerning the specific contents and wording of the
6 notice required under this section.

7 (c) For purposes of this section, the following words and
8 phrases shall have the meanings given to them in this subsection
9 unless the context clearly indicates otherwise:

10 "Acquired brain injury." The cognitive, intellectual,
11 emotional, behavioral and physical effects of a traumatic or
12 nontraumatic injury to the brain. The term does not include
13 inherited, congenital or degenerative conditions.

14 "Department" means the Insurance Department of the
15 Commonwealth.

16 "Health insurance policy" means any group health, sickness or
17 accident policy or subscriber contract or certificate issued by
18 an entity subject to any of the following:

19 (1) This act.

20 (2) The act of December 29, 1972 (P.L.1701, No.364), known
21 as the "Health Maintenance Organization Act."

22 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
23 corporations) or 63 (relating to professional health services
24 plan corporations).

25 "Insurer" means any entity that issues an individual or group
26 health insurance policy, contract or plan described under the
27 definition of health insurance policy.

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