

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 939 Session of  
2011

---

INTRODUCED BY PIPPY, RAFFERTY, D. WHITE, FONTANA, FERLO AND  
BREWSTER, APRIL 8, 2011

---

REFERRED TO BANKING AND INSURANCE, APRIL 8, 2011

---

AN ACT

1 Amending the act of July 22, 1974 (P.L.589, No.205), entitled  
2 "An act relating to unfair insurance practices; prohibiting  
3 unfair methods of competition and unfair or deceptive acts  
4 and practices; and prescribing remedies and penalties,"  
5 further providing for unfair acts.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 5(a) of the act of July 22, 1974 (P.L.  
9 589, No.205), known as the Unfair Insurance Practices Act, is  
10 amended by adding a paragraph to read:

11 Section 5. Unfair Methods of Competition and Unfair or  
12 Deceptive Acts or Practices Defined.--(a) "Unfair methods of  
13 competition" and "unfair or deceptive acts or practices" in the  
14 business of insurance means:

15 \* \* \*

16 (15) Knowingly doing any of the following:

17 (i) Requiring an insured to obtain ophthalmic services and  
18 products from a vision laboratory or company as a condition of  
19 obtaining the payment for the vision services.

1 (ii) Imposing upon an insured who is not utilizing an  
2 ophthalmic service or product from a vision laboratory or  
3 company a copayment fee or other condition not imposed upon  
4 insureds utilizing an ophthalmic service or product from the  
5 vision laboratory or company.

6 (iii) Hampering competition in numerous ways, including, but  
7 not limited to:

8 (A) Utilizing access to patient demographics and health  
9 records, either individually or in the aggregate, to market an  
10 ophthalmic service or product from the vision laboratory or  
11 company.

12 (B) Suppressing competition based upon quality and service.

13 (iv) Creating a preferred class of providers that is not  
14 held to uniform conditions of participation under the same  
15 employer's purchased health care contract, vision care contract  
16 or other health insurance contracts.

17 (v) Requiring the purchase of a minimum quantity or minimum  
18 dollar amount of a specified brand of materials in order to  
19 participate as a provider in a vision or other health care plan.

20 (vi) Requiring a provider to participate in a vision benefit  
21 plan as a condition of participation in a health care plan.

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