

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1880 Session of
2015

INTRODUCED BY SIMS, THOMAS, BULLOCK, V. BROWN, SCHWEYER,
DRISCOLL, CRUZ, YOUNGBLOOD, COHEN, O'BRIEN, FRANKEL,
McCARTER, ROZZI, KINSEY, STURLA AND KIM, MARCH 10, 2016

REFERRED TO COMMITTEE ON INSURANCE, MARCH 10, 2016

AN ACT

1 Requiring health insurance policies to provide coverage for
2 postexposure prophylaxis HIV medication.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the PEP for
7 Pennsylvania Act.

8 Section 2. Definitions.

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

12 "Postexposure prophylaxis HIV medication." Any medication
13 that is approved by the United States Food and Drug
14 Administration that can be taken as a prophylaxis to prevent the
15 transmission of the HIV virus.

16 "Health insurance policy." An individual or group health
17 insurance policy, contract or plan that provides medical or

1 health care coverage by any health care facility or licensed
2 health care provider on an expense-incurred service or prepaid
3 basis that is offered by or is governed under any of the
4 following:

5 (1) The act of May 17, 1921 (P.L.682, No.284), known as
6 The Insurance Company Law of 1921.

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

9 (3) The act of May 18, 1976 (P.L.123, No.54), known as
10 the Individual Accident and Sickness Insurance Minimum
11 Standards Act.

12 (4) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61
13 (relating to hospital plan corporations) or 63 (relating to
14 professional health services plan corporations).

15 The term does not include accident only, fixed indemnity,
16 limited benefit, credit, dental, vision, specified disease,
17 Medicare supplement, Civilian Health and Medical Program of the
18 Uniformed Services (CHAMPUS) supplement, long-term care or
19 disability income, workers' compensation or automobile medical
20 payment insurance.

21 Section 3. Mandated coverage.

22 (a) General rule.--Every health insurance policy that is
23 delivered, issued for delivery, renewed, extended or modified in
24 this Commonwealth on or after the effective date of this section
25 shall provide coverage for the expenses of any postexposure
26 prophylaxis HIV medication.

27 (b) Specialty tier.--Insurance providers may not move any
28 postexposure prophylaxis HIV medication into a specialty tier
29 solely for monetary gains.

30 (c) Counseling.--No health care plan may impose counseling

1 from an infectious disease specialist or immunologist in order
2 to receive postexposure prophylaxis HIV medication, unless
3 medically necessary.

4 Section 4. Effective date.

5 This act shall take effect in 60 days.