
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 241 Session of
2021

INTRODUCED BY WARREN, ZABEL, SANCHEZ, HILL-EVANS, CIRESI,
GALLOWAY AND SCHWEYER, JANUARY 25, 2021

REFERRED TO COMMITTEE ON INSURANCE, JANUARY 25, 2021

AN ACT

1 Providing for an extension of preauthorization for health care
2 service during disaster emergencies and for enforcement by
3 the Insurance Department.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Disaster
8 Emergency Health Insurance Preauthorization Act.

9 Section 2. Definitions.

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

13 "Health care provider." A hospital, health care facility or
14 person that is licensed, certified or otherwise authorized by
15 the laws of this Commonwealth to provide health care in the
16 ordinary course of business or practice of a profession.

17 "Health care service." A covered elective and nonurgent
18 admission or procedure provided, or proposed to be provided, by

1 a health care provider to an individual covered under a health
2 insurance policy. The term does not include a pharmaceutical
3 benefit.

4 "Health insurance policy." An individual or group health
5 insurance policy, contract or plan that provides coverage for
6 services provided by a health care facility or health care
7 provider that is offered by a health insurer. The term does not
8 include:

9 (1) Accident only.

10 (2) Fixed indemnity.

11 (3) Limited benefit.

12 (4) Credit only.

13 (5) Specified disease.

14 (6) Medicare supplement.

15 (7) Civilian Health and Medical Program of the Uniformed
16 Services (CHAMPUS) supplement.

17 (8) Long-term care or disability income.

18 (9) Workers' compensation.

19 (10) Automobile medical payment insurance.

20 "Health insurer." An entity that holds a valid license by
21 the Insurance Department with accident and health authority to
22 issue a health insurance policy and governed under any of the
23 following:

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

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

28 (3) 40 Pa.C.S. Chs. 61 (relating to hospital plan
29 corporations) and 63 (relating to professional health
30 services plan corporations).

1 "Preauthorization." A review by a health insurer, or an
2 entity acting on behalf of a health insurer, of all reasonably
3 necessary supporting information and documentation that occurs
4 prior to the delivery of a health care service and results in a
5 decision to approve or deny payment for the health care service.

6 Section 3. Extension of preauthorization during disaster
7 emergencies.

8 A preauthorization for a health care service both approved
9 prior to and in effect on the date of a declaration by the
10 Governor of disaster emergency under 35 Pa.C.S. § 7301(c)
11 (relating to general authority of Governor) shall remain
12 approved during the disaster emergency and for not less than 90
13 days from the date the disaster emergency terminates or expires
14 under 35 Pa.C.S. § 7301(c), subject to the terms and conditions
15 of a health insurance policy.

16 Section 4. Enforcement.

17 (a) Duty of department.--The Insurance Department shall
18 enforce the provisions of this act.

19 (b) Violation.--A violation of this act shall be deemed a
20 violation of Article VI of the act of May 17, 1921 (P.L.682,
21 No.284), known as The Insurance Company Law of 1921.

22 Section 5. Applicability.

23 This act shall apply only to a health insurance policy in
24 effect during:

25 (1) The proclamation of disaster emergency issued by the
26 Governor on March 6, 2020, published at 50 Pa.B. 1644 (March
27 21, 2020), and any renewal of the state of disaster
28 emergency.

29 (2) Any other declaration of disaster emergency issued
30 by the Governor due to virus, bacterium or other

1 microorganism under 35 Pa.C.S. § 7301(c) (relating to general
2 authority of Governor) after the effective date of this
3 section.

4 Section 6. Effective date.

5 This act shall take effect immediately.