

AMENDMENTS TO HOUSE BILL NO. 947

Sponsor: REPRESENTATIVE ZIMMERMAN

Printer's No. 955

1 Amend Bill, page 1, lines 1 through 12, by striking out all
2 of said lines and inserting

3 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
4 Statutes, in regulation of insurers and related persons
5 generally, providing for group market provisions.

6 Amend Bill, page 1, lines 15 through 22; page 2, lines 1
7 through 30; page 3, lines 1 through 24; by striking out all of
8 said lines on said pages and inserting

9 Section 1. Title 40 of the Pennsylvania Consolidated
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 41

12 GROUP MARKET PROVISIONS

13 Subchapter

14 A. Preliminary Provisions

15 B. Procedures

16 C. Miscellaneous Provisions

17 SUBCHAPTER A

18 PRELIMINARY PROVISIONS

19 Sec.

20 4101. Definitions.

21 § 4101. Definitions.

22 The following words and phrases when used in this chapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 "Commissioner." The Insurance Commissioner of the
26 Commonwealth.

27 "Department." The Insurance Department of the Commonwealth.

28 "Insurer." An entity licensed by the department with
29 accident and health authority to issue a policy, subscriber
30 contract, certificate or plan that provides medical or health
31 care coverage, including emergency services, and is offered or
32 governed under any of the following:

33 (1) The act of May 17, 1921 (P.L.682, No.284), known as
34 The Insurance Company Law of 1921, including section 630 and
35 Article XXIV thereof.

1 § 4121. Regulations.

2 The department may promulgate regulations as necessary and
3 appropriate to implement this chapter.

4 § 4122. Enforcement and penalties.

5 (a) General rule.--Subject to the other provisions of this
6 section, upon satisfactory evidence of the violation of any
7 section of this chapter by an insurer or any other person, one
8 or more of the following penalties may be imposed at the
9 commissioner's discretion:

10 (1) Suspension or revocation of the license of the
11 offending insurer or other person.

12 (2) Refusal, for a period not to exceed one year, to
13 issue a new license to the offending insurer or other person.

14 (3) A fine of not more than \$5,000 for each violation of
15 this chapter.

16 (4) A fine of not more than \$10,000 for each willful
17 violation of this chapter.

18 (b) Limitations.--

19 (1) Fines imposed under this section against an insurer
20 may not exceed \$500,000 in the aggregate during a single
21 calendar year.

22 (2) Fines imposed under this section against any other
23 person may not exceed \$100,000 in the aggregate during a
24 single calendar year.

25 (c) Additional remedies.--The enforcement remedies imposed
26 under this section are in addition to other remedies or
27 penalties that may be imposed under other applicable law of this
28 Commonwealth, including:

29 (1) The act of December 18, 1996 (P.L.1066, No.159),
30 known as the Accident and Health Filing Reform Act.

31 (2) The act of July 22, 1974 (P.L.589, No.205), known as
32 the Unfair Insurance Practices Act. Violations of this
33 chapter shall be deemed to be unfair methods of competition
34 and unfair or deceptive acts or practices under the Unfair
35 Insurance Practices Act.

36 (3) The act of June 25, 1997 (P.L.295, No.29), known as
37 the Pennsylvania Health Care Insurance Portability Act.

38 (d) Administrative procedure.--

39 (1) The administrative provisions of this section shall
40 be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
41 and procedure of Commonwealth agencies).

42 (2) A party against whom penalties are assessed in an
43 administrative action may appeal to Commonwealth Court as
44 provided in 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial
45 review of Commonwealth agency action).