
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1439 Session of
2019

INTRODUCED BY KAUFER, MILLARD, DIGIROLAMO, SCHLOSSBERG, DeLUCA,
MURT, MOUL AND OTTEN, MAY 8, 2019

REFERRED TO COMMITTEE ON INSURANCE, MAY 8, 2019

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, in regulation of insurers and related persons
3 generally, providing for mental health parity and access to
4 addiction treatment.

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

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

9 CHAPTER 43

10 MENTAL HEALTH PARITY AND

11 ACCESS TO ADDICTION TREATMENT

12 Sec.

13 4301. Scope of chapter.

14 4302. Definitions.

15 4303. Certification.

16 4304. Regulations.

17 § 4301. Scope of chapter.

18 This chapter relates to a certification of compliance with
19 Federal and State insurance laws regarding mental health and

1 substance use disorder benefits.

2 § 4302. Definitions.

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

6 "Insurer." As follows:

7 (1) An entity that issues or administers health
8 insurance policies or health plans and is subject to the
9 jurisdiction of the department.

10 (2) The term includes an entity organized or existing
11 under, or subject to, any of the following:

12 (i) The act of May 17, 1921 (P.L.682, No.284), known
13 as The Insurance Company Law of 1921.

14 (ii) The act of December 29, 1972 (P.L.1701,
15 No.364), known as the Health Maintenance Organization
16 Act.

17 (iii) The act of May 18, 1976 (P.L.123, No.54),
18 known as the Individual Accident and Sickness Insurance
19 Minimum Standards Act.

20 (iv) Chapter 61 (relating to hospital plan
21 corporations) or 63 (relating to professional health
22 services plan corporations).

23 "MHPAEA." The Paul Wellstone and Pete Domenici Mental Health
24 Parity and Addiction Equity Act of 2008 (Public Law 110-343, 122
25 Stat. 3765).

26 § 4303. Certification.

27 No later than January 1 of each year, an insurer that issues
28 or administers a health insurance policy or health plan in this
29 Commonwealth, including a policy or plan in which mental health
30 or substance use disorder benefits are managed by an entity

1 other than the insurer, shall file with the department a written
2 certification signed by an officer of the insurer under oath
3 attesting that:

4 (1) The insurer has completed a comprehensive review of
5 all health insurance policies and health plans issued or
6 administered by the insurer, including policies and plans in
7 which mental health or substance use disorder benefits are
8 managed by an entity other than the insurer, for compliance
9 with the requirements of MHPAEA and its implementing
10 regulations and compliance with section 604-B of the act of
11 May 17, 1921 (P.L.682, No.284), known as The Insurance
12 Company Law of 1921, and its implementing regulations.

13 (2) All policies and plans under paragraph (1) comply
14 with the laws and regulations referred to in paragraph (1).
15 § 4304. Regulations.

16 The department shall promulgate regulations necessary to
17 implement this chapter.

18 Section 2. All acts and parts of acts are repealed insofar
19 as they are inconsistent with 40 Pa.C.S. Ch. 43.

20 Section 3. This act shall take effect immediately.