

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 177 Session of 2001

INTRODUCED BY EARLL, JUBELIRER, KUKOVICH, M. WHITE, COSTA,  
HELFRICK, RHOADES, WAGNER, WAUGH, STOUT, MELLOW, BODACK,  
BOSCOLA AND SCHWARTZ, JANUARY 30, 2001

REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 30, 2001

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," providing for presumptive  
12 eligibility for free or subsidized health care insurance for  
13 children.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known  
17 as The Insurance Company Law of 1921, is amended by adding a  
18 section to read:

19 Section 2314. Presumptive Eligibility.--(a) Notwithstanding  
20 any inconsistent provision of law to the contrary and subject to  
21 the availability of Federal financial participation under Title  
22 XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et  
23 seq.), a child shall be presumed eligible for payments under

1 this article, once during a twelve (12) month period when a  
2 qualified entity determines, on the basis of preliminary  
3 information, that a child is eligible for free or subsidized  
4 health care insurance under section 2311. The presumptive  
5 eligibility period shall continue until the earlier date an  
6 eligibility determination is made pursuant to this article, the  
7 child is found eligible for medical assistance, or sixty (60)  
8 days after the date of presumptive eligibility begins. However,  
9 a presumptive eligibility period may be extended in the event a  
10 determination of eligibility for benefits under this article or  
11 for medical assistance is not made within the sixty (60) day  
12 period through no fault of the applicant.

13 (b) The Insurance Department shall assure that children who  
14 are enrolled under this section receive appropriate follow-up  
15 for a determination of eligibility for benefits under this  
16 article or for medical assistance prior to the termination of  
17 the presumptive eligibility period. The Insurance Department  
18 shall assure that outreach activities under section 2312 include  
19 information related to presumptive eligibility under this  
20 section.

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