
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 879 Session of
2023

INTRODUCED BY TARTAGLIONE, DILLON, KANE, COLEMAN, FONTANA,
SCHWANK AND COSTA, AUGUST 16, 2023

REFERRED TO BANKING AND INSURANCE, AUGUST 16, 2023

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, in mental health parity and access to addiction
3 treatment, further providing for scope of chapter, for
4 definitions and for annual attestation.

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

7 Section 1. Section 4301 of Title 40 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 4301. Scope of chapter.

10 This chapter relates to [an attestation] a certification of
11 compliance with Federal and State insurance laws regarding
12 mental health and substance use disorder benefits.

13 Section 2. The definitions of "health insurance policy" and
14 "insurer" in section 4302 of Title 40 are amended to read:

15 § 4302. Definitions.

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

19 ["Health insurance policy." As follows:

1 (1) An insurance policy, subscriber contract,
2 certificate or plan that provides medical or health care
3 coverage, including emergency services.

4 (2) The term does not include any of the following types
5 of policies:

6 (i) Accident only.

7 (ii) Fixed indemnity.

8 (iii) Credit.

9 (iv) Dental only.

10 (v) Vision only.

11 (vi) Specified disease.

12 (vii) Medicare supplement.

13 (viii) Civilian Health and Medical Program of the
14 Uniformed Services (CHAMPUS) supplement.

15 (ix) Long-term care.

16 (x) Disability income.

17 (xi) Workers' compensation.

18 (xii) Automobile medical payment insurance.]

19 "Insurer." [An entity licensed by the department with
20 accident and health authority to issue a health insurance policy
21 that is offered or governed under any of the following:

22 (1) The act of May 17, 1921 (P.L.682, No.284), known as
23 The Insurance Company Law of 1921, including section 630 and
24 Article XXIV of that act.

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

27 (3) Chapter 61 (relating to hospital plan corporations)
28 or 63 (relating to professional health services plan
29 corporations).] As follows:

30 (1) An entity that issues or administers health

1 insurance policies or health plans and is subject to the
2 jurisdiction of the department.

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

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

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

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

13 (iv) Chapter 61 (relating to hospital plan
14 corporations) or 63 (relating to professional health
15 services plan corporations).

16 * * *

17 Section 3. Section 4303 of Title 40 is amended to read:

18 § 4303. [Annual attestation.]

19 (a) Statement regarding MHPAEA compliance.--For the form for
20 each health insurance policy offered, issued or renewed by an
21 insurer, the insurer shall annually file with the department a
22 statement attesting to the insurer's documented analyses of
23 efforts to comply with MHPAEA and the Federal regulations
24 relating to mental health and substance use disorder parity as
25 of the date of the attestation.

26 (b) Statement regarding MHPAEA nonapplicability.--For the
27 form for each insurance policy offered, issued or renewed by an
28 insurer in this Commonwealth that is required to be filed but to
29 which MHPAEA does not apply, the insurer shall annually file
30 with the department a statement attesting to the

1 nonapplicability of MHPAEA to the policy form.

2 (c) Filing.--Each attestation required under this section
3 must be filed by April 30 of each year or with the form filing,
4 whichever is earlier.] Certification.

5 No later than January 1 of each year, an insurer that issues
6 or administers a health insurance policy or health plan in this
7 Commonwealth, including a policy or plan in which mental health
8 or substance use disorder benefits are managed by an entity
9 other than the insurer, shall file with the department a written
10 certification signed by an officer of the insurer under oath
11 attesting that:

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

21 (2) All policies and plans under paragraph (1) comply
22 with the laws and regulations referred to in paragraph (1).

23 Section 4. This act shall take effect immediately.