

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1977 Session of 1995

INTRODUCED BY MICOZZIE, SCHRODER, E. Z. TAYLOR, COLAIZZO, BARD, BOSCOLA, BROWN, CARONE, L. I. COHEN, DURHAM, FARMER, HARHART, LAUGHLIN, LEDERER, MAJOR, MILLER, MUNDY, RUBLEY, RUDY, SHEEHAN, TRUE, VANCE, ADOLPH, CIVERA, FLICK, GANNON, LAWLESS, RAYMOND, BUXTON, DEMPSEY, FICHTER, GLADECK, SATHER, STEIL, GEIST, STERN, HERSHEY, STEELMAN, YOUNGBLOOD, NICKOL, GODSHALL, COLAFELLA, CLYMER, HERMAN, PHILLIPS, FAJT, JOSEPHS AND GORDNER, SEPTEMBER 18, 1995

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 11, 1996

AN ACT

1 Providing for certain health insurance benefits to aid the
2 health and well-being of mother and child following the birth
3 of a child.

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 Mother and
8 Infant Health Security Act.

9 ~~Section 2. Health benefit contract.~~

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10 ~~Every individual or group health benefits contract that~~
11 ~~provides maternity benefits and is delivered, issued, executed~~
12 ~~or renewed in this Commonwealth pursuant to the act of May 18,~~
13 ~~1976 (P.L.123, No.54), known as the Individual Accident and~~
14 ~~Sickness Insurance Minimum Standards Act, or approved for~~
15 ~~issuance or renewal in this Commonwealth by the Insurance~~

1 ~~Commissioner on or after the effective date of this act shall~~
2 ~~provide coverage for a minimum of 48 hours of inpatient care,~~
3 ~~excluding the day of delivery, for the mother and the newborn~~
4 ~~after childbirth, except as otherwise provided in this act.~~

5 ~~Section 3. Utilization review standards.~~

6 ~~(a) Length of stay. A plan for utilization review~~
7 ~~standards, including those standards applied to determine length~~
8 ~~of stay and inpatient services related to maternity and newborn~~
9 ~~care, shall be applied in accordance with the medical criteria~~
10 ~~outlined in the most current version of the "Guidelines for~~
11 ~~Perinatal Care" prepared by the American Academy of Pediatrics~~
12 ~~and the American College of Obstetricians and Gynecologists.~~

13 ~~(b) Medical stability. A plan may provide coverage for a~~
14 ~~shorter length of hospital inpatient stay for services related~~
15 ~~to maternity and newborn care provided that the mother and the~~
16 ~~newborn meet the criteria for medical stability in the~~
17 ~~"Guidelines for Perinatal Care" and the plan provides coverage~~
18 ~~for an initial postpartum home visit for the mother and child.~~

19 SECTION 2. DEFINITIONS.

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20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
21 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "HEALTH INSURANCE POLICY." ANY INDIVIDUAL OR GROUP HEALTH
24 INSURANCE POLICY, CONTRACT OR PLAN WHICH PROVIDES MEDICAL OR
25 HEALTH CARE COVERAGE BY ANY HEALTH CARE FACILITY OR LICENSED
26 HEALTH CARE PROVIDER ON AN EXPENSE-INCURRED SERVICE OR PREPAID
27 BASIS AND WHICH IS OFFERED BY OR IS GOVERNED UNDER ANY OF THE
28 FOLLOWING:

29 ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN AS THE
30 INSURANCE COMPANY LAW OF 1921.

1 SUBARTICLE (F) OF ARTICLE IV OF THE ACT OF JUNE 13, 1967
2 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

3 ACT OF DECEMBER 29, 1972 (P.L.1701, NO.364), KNOWN AS THE
4 HEALTH MAINTENANCE ORGANIZATION ACT.

5 ACT OF MAY 18, 1976 (P.L.123, NO.54), KNOWN AS THE
6 INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE MINIMUM STANDARDS
7 ACT.

8 ACT OF DECEMBER 14, 1992 (P.L.835, NO.134), KNOWN AS THE
9 FRATERNAL BENEFIT SOCIETIES CODE.

10 A NONPROFIT CORPORATION SUBJECT TO 40 PA.C.S. CHS. 61
11 (RELATING TO HOSPITAL PLAN CORPORATIONS) AND 63 (RELATING TO
12 PROFESSIONAL HEALTH SERVICES PLAN CORPORATIONS).

13 SECTION 3. POST PARTUM COVERAGE STANDARDS.

14 (A) GENERAL RULE.--EVERY HEALTH INSURANCE POLICY THAT
15 PROVIDES MATERNITY BENEFITS AND IS DELIVERED, ISSUED, EXECUTED
16 OR RENEWED IN THIS COMMONWEALTH ON OR AFTER THE EFFECTIVE DATE
17 OF THIS ACT SHALL PROVIDE COVERAGE FOR A MINIMUM OF 48 HOURS OF
18 INPATIENT CARE FOLLOWING NORMAL VAGINAL DELIVERY AND 96 HOURS OF
19 INPATIENT CARE FOLLOWING CAESAREAN DELIVERY.

20 (B) OTHER LENGTHS OF STAY.--IN ADDITION TO THE COVERAGE IN
21 SUBSECTION (A), A HEALTH INSURANCE POLICY MAY ALSO PROVIDE FOR A
22 SHORTER LENGTH OF STAY, BUT ONLY IF THE TREATING OR ATTENDING
23 PHYSICIAN DETERMINES THAT THE MOTHER AND NEWBORN MEET MEDICAL
24 CRITERIA FOR SAFE DISCHARGE CONTAINED WITHIN GUIDELINES
25 DEVELOPED BY OR IN COOPERATION WITH TREATING PHYSICIANS WHICH
26 RECOGNIZE TREATMENT STANDARDS, INCLUDING THOSE OF THE AMERICAN
27 ACADEMY OF PEDIATRICS AND THE AMERICAN COLLEGE OF OBSTETRICIANS
28 AND GYNECOLOGISTS, THAT DETERMINE APPROPRIATE LENGTH OF STAY
29 BASED UPON, BUT NOT LIMITED TO, THE FOLLOWING: THE EVALUATION OF
30 THE ANTEPARTUM, INTRAPARTUM AND POST PARTUM COURSE OF THE MOTHER

1 AND INFANT; THE GESTATIONAL STAGE, BIRTH WEIGHT AND CLINICAL
2 CONDITION OF THE INFANT; THE DEMONSTRATED ABILITY OF THE MOTHER
3 TO CARE FOR THE INFANT POSTDISCHARGE AND THE AVAILABILITY OF THE
4 POSTDISCHARGE FOLLOW-UP CARE TO VERIFY THE CONDITION OF THE
5 INFANT AND MOTHER WITHIN 48 HOURS AFTER DISCHARGE.

6 (C) HOME HEALTH CARE VISITS.--THE HEALTH INSURANCE POLICY
7 SHALL PROVIDE COVERAGE FOR HOME HEALTH CARE VISITS, IN
8 ACCORDANCE WITH THE RECOMMENDATIONS OF THE TREATING PHYSICIAN,
9 BY A LICENSED HEALTH CARE PROVIDER WHOSE SCOPE OF PRACTICE
10 INCLUDES POST PARTUM CARE. HOME HEALTH CARE VISITS SHALL
11 INCLUDE, AT A MINIMUM, PARENT EDUCATION, ASSISTANCE AND TRAINING
12 IN BREAST AND BOTTLE FEEDING, INFANT SCREENING AND CLINICAL
13 TESTS AND THE PERFORMANCE OF ANY NECESSARY MATERNAL AND NEONATAL
14 PHYSICAL ASSESSMENTS. AT THE MOTHER'S SOLE DISCRETION, ANY
15 VISITS MAY OCCUR AT THE FACILITY OF THE PROVIDER.

16 Section 4. Effective date.

17 This act shall take effect in 60 days.