

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 9, 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; AND PROHIBITING CERTAIN PRACTICES BY INSURERS. ←

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. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Health insurance policy." Any individual or group health
14 insurance policy, contract or plan which provides medical or
15 health care coverage by any health care facility or licensed

1 health care provider on an expense-incurred service or prepaid
2 basis and which is offered by or is governed under any of the
3 following:

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

6 Subarticle (f) of Article IV of the act of June 13, 1967
7 (P.L.31, No.21), known as the Public Welfare Code.

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

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

13 Act of December 14, 1992 (P.L.835, No.134), known as the
14 Fraternal Benefit Societies Code.

15 A nonprofit corporation subject to 40 Pa.C.S. Chs. 61
16 (relating to hospital plan corporations) and 63 (relating to
17 professional health services plan corporations).

18 "INSURER." ANY ENTITY THAT ISSUES AN INDIVIDUAL OR GROUP
19 HEALTH INSURANCE POLICY, CONTRACT OR PLAN DESCRIBED UNDER THE
20 DEFINITION OF "HEALTH INSURANCE POLICY" IN THIS SECTION.

←

21 Section 3. Post partum coverage standards.

22 (a) General rule.--Every health insurance policy that
23 provides maternity benefits and is delivered, issued, executed
24 or renewed in this Commonwealth on or after the effective date
25 of this act shall provide coverage for a minimum of 48 hours of
26 inpatient care following normal vaginal delivery and 96 hours of
27 inpatient care following Caesarean delivery.

28 (b) Other lengths of stay.--In addition to the coverage in
29 subsection (a), a health insurance policy may also provide for a
30 shorter length of stay, but only if the treating or attending

1 physician determines that the mother and newborn meet medical
2 criteria for safe discharge contained within guidelines
3 developed by or in cooperation with treating physicians which
4 recognize treatment standards, ~~such as~~ INCLUDING those of the <—
5 American Academy of Pediatrics and the American College of
6 Obstetricians and Gynecologists, that determine appropriate
7 length of stay based upon, but not limited to, the following:
8 the evaluation of the antepartum, intrapartum and post partum
9 course of the mother and infant; the gestational stage, birth
10 weight and clinical condition of the infant; the demonstrated
11 ability of the mother to care for the infant postdischarge and
12 the availability of the postdischarge follow-up care to verify
13 the condition of the infant and mother within 48 hours after
14 discharge.

15 (c) Home health care visits.--The health insurance policy
16 shall provide coverage for at least one home health care visit
17 within 48 hours after discharge when discharge occurs prior to
18 the times set forth in subsection (a). Such visits shall be made
19 by a licensed health care provider whose scope of practice
20 includes post partum care. Home health care visits shall include
21 parent education, assistance and training in breast and bottle
22 feeding, infant screening and clinical tests and the performance
23 of any necessary maternal and neonatal physical assessments. At
24 the mother's sole discretion, any visits may occur at the
25 facility of the provider. THE HEALTH INSURANCE POLICY SHALL NOT <—
26 INCLUDE ANY COPAYMENT, COINSURANCE OR DEDUCTIBLE AMOUNT FOR ANY
27 POST PARTUM HOME HEALTH CARE VISITS.

28 SECTION 4. REFUSAL TO CONTRACT OR COMPENSATE.

29 AN INSURER SHALL NOT REFUSE TO CONTRACT WITH OR COMPENSATE
30 FOR COVERED SERVICES AN OTHERWISE ELIGIBLE PROVIDER OR

1 NONPARTICIPATING PROVIDER SOLELY BECAUSE THE PROVIDER HAS IN
2 GOOD FAITH COMMUNICATED WITH ONE OR MORE OF HIS CURRENT, FORMER
3 OR PROSPECTIVE PATIENTS REGARDING THE PROVISIONS, TERMS OR
4 REQUIREMENTS OF THE INSURER'S PRODUCTS AS THEY RELATE TO THE
5 NEEDS OF THE PROVIDER'S PATIENTS.

6 Section 4 5. Effective date. ←

7 This act shall take effect in 60 days.