

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 869 Session of 2005

INTRODUCED BY D. WHITE, ROBBINS, RHOADES, JUBELIRER, TOMLINSON, WENGER, ORIE, MELLOW, ERICKSON, C. WILLIAMS, RAFFERTY, BROWNE, EARLL, WOZNIAK, PILEGGI, LOGAN, PUNT, PIPPY, BOSCOLA, TARTAGLIONE, KASUNIC, COSTA, GORDNER, MUSTO, CORMAN, FONTANA, STOUT, STACK, WASHINGTON, WONDERLING AND REGOLA, SEPTEMBER 19, 2005

SENATOR ARMSTRONG, BANKING AND INSURANCE, RE-REPORTED AS AMENDED, OCTOBER 24, 2005

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for extension of health
3 insurance benefits for certain military personnel who were
4 full-time students at time of deployment.

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

7 Section 1. Section 7309 of Title 51 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 7309. Employment discrimination for military membership or
10 duty.

11 (a) General rule.--It is unlawful for the Commonwealth or
12 any of its departments, boards, commissions, agencies or any
13 political subdivision, or for any private employer, to refuse to
14 hire or employ any individual not on extended active duty
15 because of his membership in the National Guard or any one of
16 the other reserve components of the armed forces of the United

1 States, or because he is called or ordered to active State duty
2 or special State duty by the Governor during an emergency or as
3 otherwise authorized by law, or because he is called or ordered
4 to active duty by the Federal Government under provisions of 10
5 U.S.C. (relating to armed forces) or 32 U.S.C. (relating to
6 National Guard), or to discharge from employment such
7 individual, or to otherwise discriminate against such individual
8 with respect to compensation, hire, tenure, terms, conditions or
9 privileges of employment because of such membership, or because
10 he is called or ordered to active State duty by the Governor
11 during an emergency or because he is called or ordered to other
12 military duty authorized by law.

13 (b) Reemployment following emergency or other military
14 duty.--Upon the completion of such emergency or other military
15 duty any such member of the Pennsylvania National Guard or any
16 other reserve component of the armed forces of the United States
17 shall be restored by such public or private employer or his
18 successor in interest to such position or to a position of like
19 seniority, status and pay which such member held prior to such
20 emergency or other military duty, but if any such member is not
21 qualified to perform the duties of such position by reason of
22 disability sustained during such emergency or other military
23 duty but qualified to perform the duties of any other position
24 in the employ of such private employer or his successor in
25 interest, such member shall be restored to such other position,
26 the duties of which he is qualified to perform, as will provide
27 him like seniority, status and pay, or the nearest approximation
28 thereof consistent with the circumstances of the case, unless
29 such public or private employer's or his successor in interests,
30 circumstances have so changed as to make it impossible or

1 unreasonable to do so.

2 (c) Extension of benefits during military duty.--Whenever a
3 member of the Pennsylvania National Guard is called or ordered
4 into active Federal service or active State duty under orders
5 authorized by law or a member of any reserve component is called
6 or ordered onto active duty, other than active duty for
7 training, the public or private employer of the member shall, at
8 no cost to the member, continue health insurance and other
9 benefits in effect for at least the first 30 days of the
10 military duty. After the expiration of the first 30 days, the
11 public or private employer shall give the member of the National
12 Guard or other reserve component the voluntary option of
13 continuing such health insurance and other benefits in effect at
14 his own expense by paying for the insurance or benefits at the
15 same rates paid by the employer, and the insurance coverage
16 shall continue, except for injuries incurred in the line of
17 military duty.

18 (d) Termination of certain health insurance benefits.--

19 (1) As used in this subsection, the term "eligible
20 member" applies to full-time students, who are eligible for
21 health insurance coverage under their parents' health
22 insurance policies, when the students are:

23 (i) members of the Pennsylvania National Guard or
24 any reserve component of the armed forces of the United
25 States who are called or ordered to active duty, other
26 than active duty for training, for a period of 30 or more
27 consecutive days; or

28 (ii) members of the Pennsylvania National Guard
29 ordered to active State duty, including duty under 35
30 Pa.C.S. Ch. 76 (relating to Emergency Management

1 Assistance Compact), for a period of 30 or more
2 consecutive days.

3 (2) AS USED IN THIS SUBSECTION, THE TERM "FULL-TIME <—
4 STUDENT" SHALL HAVE THE SAME MEANING SET FORTH IN CHAPTER 32
5 (RELATING TO EDUCATIONAL ASSISTANCE PROGRAM).

6 ~~(2)~~ (3) The eligibility for health insurance coverage <—
7 under a parent's health insurance coverage POLICY for <—
8 eligible members as defined in paragraph (1) shall be
9 extended for a period equal to the duration of the eligible
10 member's service on active duty or active State duty OR UNTIL <—
11 THE ELIGIBLE MEMBER IS NO LONGER A FULL-TIME STUDENT. The
12 eligibility of an eligible member who is a full-time student
13 for health insurance coverage under a parent's coverage <—
14 POLICY shall not terminate because of the age of the eligible <—
15 member when the member's educational program was interrupted
16 because of military duty.

17 ~~(3)~~ (4) In order to qualify for this extension, the <—
18 eligible member must reenroll as a full time student for the <—
19 first term or semester starting after his or her release from
20 active duty.

21 MEMBER MUST: <—

22 (I) SUBMIT A FORM APPROVED BY THE DEPARTMENT OF
23 MILITARY AND VETERANS AFFAIRS NOTIFYING THE INSURER THAT
24 THE ELIGIBLE MEMBER HAS BEEN PLACED ON ACTIVE DUTY.

25 (II) SUBMIT A FORM APPROVED BY THE DEPARTMENT OF
26 MILITARY AND VETERANS AFFAIRS NOTIFYING THE INSURER THAT
27 THE ELIGIBLE MEMBER IS NO LONGER ON ACTIVE DUTY.

28 (III) SUBMIT A FORM APPROVED BY THE DEPARTMENT OF
29 MILITARY AND VETERANS AFFAIRS SHOWING THAT THE STUDENT
30 HAS REENROLLED AS A FULL-TIME STUDENT FOR THE FIRST TERM

1 OR SEMESTER STARTING AFTER HIS OR HER RELEASE FROM ACTIVE
2 DUTY.

3 (5) NOTHING IN THIS ACT SHALL PRECLUDE THE VOLUNTARY
4 OPTION OF CONTINUING A HEALTH INSURANCE POLICY AND OTHER
5 BENEFITS IN EFFECT AT THE ELIGIBLE MEMBER'S OWN EXPENSE BY
6 PAYING FOR THE INSURANCE OR BENEFITS AT THE SAME RATES PAID
7 BY THE EMPLOYER, AND THE INSURANCE COVERAGE SHALL CONTINUE,
8 EXCEPT FOR INJURIES INCURRED IN THE LINE OF MILITARY DUTY, AS
9 SET FORTH IN SECTION 7309(C) (RELATING TO EMPLOYMENT
10 DISCRIMINATION FOR MILITARY MEMBERSHIP OR DUTY).

11 (6) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
12 A HEALTH INSURANCE POLICY THAT HAS BEEN TERMINATED.

13 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
14 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
15 SUBSECTION:

16 "HEALTH INSURANCE POLICY." AN INDIVIDUAL OR GROUP HEALTH,
17 SICKNESS OR ACCIDENT POLICY OR SUBSCRIBER CONTRACT OR
18 CERTIFICATE ISSUED BY AN ENTITY SUBJECT TO ANY ONE OF THE
19 FOLLOWING:

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

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

24 (3) THE ACT OF MAY 18, 1976 (P.L.123, NO.54), KNOWN AS
25 THE INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE MINIMUM
26 STANDARDS ACT.

27 (4) 40 PA.C.S. CH. 61 (RELATING TO HOSPITAL PLAN
28 CORPORATIONS) OR 63 (RELATING TO PROFESSIONAL HEALTH SERVICES
29 PLAN CORPORATIONS).

30 Section 2. This act shall take effect ~~immediately~~ IN 60

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1 DAYS.