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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1588** Session of  
2008

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INTRODUCED BY DINNIMAN, FONTANA, KITCHEN, MUSTO, ORIE,  
A. WILLIAMS, C. WILLIAMS AND O'PAKE, SEPTEMBER 22, 2008

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REFERRED TO BANKING AND INSURANCE, SEPTEMBER 22, 2008

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AN ACT

1 Providing for health insurance coverage for dependent children  
2 with disabilities under certain circumstances and for the  
3 powers and duties of the Insurance Department.

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 Health  
8 Insurance Coverage for Dependent Children with Disabilities 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 "Department." The Insurance Department of the Commonwealth.

14 "Documented disability." A disability that would prevent a  
15 person with the disability from maintaining a full course load  
16 at an institution of higher education as determined by a  
17 licensed physician with expertise in and knowledge of the  
18 disability.

1 "Health insurance policy." Any group health insurance  
2 policy, contract or plan, or any individual policy, contract or  
3 plan with dependent coverage for children, which provides  
4 medical coverage on an expense-incurred, service or prepaid  
5 basis subject to any one of the following:

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

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

10 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
11 corporations) or 63 (relating to professional health services  
12 plan corporations).

13 "Licensed physician." An individual who has acquired a  
14 license to practice medicine under the act of October 5, 1978  
15 (P.L.1109, No.261), known as the Osteopathic Medical Practice  
16 Act, the act of December 20, 1985 (P.L.457, No.112), known as  
17 the Medical Practice Act of 1985, or the equivalent thereof in  
18 another jurisdiction.

19 Section 3. Coverage of dependent children.

20 (a) General rule.--If the coverage for dependent children  
21 includes coverage for dependent children who are full-time  
22 students and over 18 years of age, dependent coverage shall not  
23 exclude benefits for a student who:

24 (1) Is enrolled less than full-time as a result of a  
25 documented disability.

26 (2) Maintains a course load of at least seven credit  
27 hours per semester.

28 (b) Documentation and certification of medical necessity.--  
29 To establish entitlement to coverage under this section,  
30 documentation and certification of the medical necessity of

1 enrollment that is less than full time must be submitted to the  
2 insurer by the student's attending physician.

3 Section 4. Delivery of policy.

4 If a health insurance policy provides coverage or benefits to  
5 a resident of this Commonwealth, it shall be deemed to be  
6 delivered in this Commonwealth within the meaning of this act,  
7 regardless of whether the health care insurer issuing or  
8 delivering the policy is located within or outside this  
9 Commonwealth.

10 Section 5. Regulations.

11 The department shall promulgate regulations to implement this  
12 act.

13 Section 6. Applicability.

14 (a) General rule.--Except as otherwise provided under  
15 subsection (b), this act shall apply to all insurance policies,  
16 subscriber contracts and group insurance certificates issued  
17 under any group master policy, delivered or issued for delivery  
18 on or after the effective date of this section. This act shall  
19 also apply to all renewals of contracts on any renewal date  
20 which is on or after the effective date of this section.

21 (b) Exceptions.--The provisions of this act shall not apply  
22 to the following types of insurance:

- 23 (1) Hospital indemnity.
- 24 (2) Accident.
- 25 (3) Specified disease.
- 26 (4) Disability income.
- 27 (5) Civilian Health and Medical Program of the Uniformed  
28 Services (CHAMPUS) supplement.
- 29 (6) Long-term care.
- 30 (7) Other limited benefit insurance plans.

1 Section 7. Effective date.

2 This act shall take effect in 90 days.