

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 16 Session of 2011

INTRODUCED BY PASHINSKI, BRIGGS, CALTAGIRONE, CARROLL, CURRY, DAVIS, DePASQUALE, FABRIZIO, FARRY, HARKINS, JOSEPHS, KOTIK, KULA, MURT, NEUMAN, SANTARSIERO, SANTONI, K. SMITH, THOMAS AND WHITE, OCTOBER 3, 2011

REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 3, 2011

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
 2 act relating to insurance; amending, revising, and
 3 consolidating the law providing for the incorporation of
 4 insurance companies, and the regulation, supervision, and
 5 protection of home and foreign insurance companies, Lloyds
 6 associations, reciprocal and inter-insurance exchanges, and
 7 fire insurance rating bureaus, and the regulation and
 8 supervision of insurance carried by such companies,
 9 associations, and exchanges, including insurance carried by
 10 the State Workmen's Insurance Fund; providing penalties; and
 11 repealing existing laws," in casualty insurance, providing
 12 for living wills and advance directives discount.

13 The General Assembly of the Commonwealth of Pennsylvania
 14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
 16 as The Insurance Company Law of 1921, is amended by adding a
 17 section to read:

18 Section 635.6. Living Wills and Advance Directives
 19 Discount.--(a) All health insurers authorized to write health
 20 insurance within this Commonwealth shall provide a premium
 21 discount for each insured adult having executed a living will or
 22 advance directive meeting the standards of the Insurance

1 Department. The discount shall apply to all coverages for all
2 policy periods beginning within the year following the execution
3 of a living will or advance directive and shall be approved by
4 the Insurance Commissioner as part of the insurer's rate filing.
5 The discount shall not be less than five percent.

6 (b) Each policyholder shall file annually with the
7 policyholder's insurer an Advance Directive/Living Will
8 Affidavit verifying the execution of a living will or advance
9 directive to continue to be eligible for the discount on
10 insurance. The affidavit shall be filed within thirty days of
11 the anniversary date of the insured's policy.

12 (c) As used in this section, the term "health insurer" means
13 an entity that contracts or offers to contract to provide,
14 deliver, arrange for, pay for or reimburse any of the costs of
15 health care services in exchange for a premium, including,
16 without limitation, an entity licensed under any of the
17 following:

18 (1) This act.

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

21 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
22 corporations) or 63 (relating to professional health services
23 plan corporations).

24 Section 2. This act shall take effect in 120 days.