
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 532 Session of
2011

INTRODUCED BY SAYLOR, BARRAR, BOBACK, CALTAGIRONE, COHEN,
D. COSTA, CUTLER, DAY, DeLUCA, DERMODY, DIGIROLAMO, EVERETT,
FLECK, GEIST, GILLEN, GINGRICH, GROVE, HARHAI, HARHART,
HARKINS, HARPER, HESS, HORNAMAN, JOSEPHS, KIRKLAND, KOTIK,
MARSHALL, MARSICO, MILLER, MURT, MYERS, O'NEILL, PICKETT,
PYLE, RAPP, REICHLEY, STABACK, STURLA, SWANGER, J. TAYLOR,
VEREB, VULAKOVICH AND WATSON, FEBRUARY 8, 2011

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 8, 2011

AN ACT

1 Providing mandatory insurance coverage for general anesthesia.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Children and
6 Special Needs Patient Access to Quality Dental Care Act.

7 Section 2. Definitions.

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

11 "Associated medical costs." Hospitalization and all related
12 medical expenses normally incurred as a result of the
13 administration of general anesthesia in a dental office,
14 hospital setting or any facility in which the administration of
15 general anesthesia in connection with dental care is permitted.

1 "Carrier." An entity that sells or offers to sell health
2 insurance policies in this Commonwealth.

3 "Dental care." The diagnosis, treatment planning and
4 implementation of services directed at the prevention and
5 treatment of diseases, conditions and dysfunctions relating to
6 the oral cavity and its associated structures and their impact
7 upon the human body or the implementation of professional dental
8 care, which includes diagnostic, preventative, therapeutic,
9 restorative, oral and maxillofacial, surgical, endodontic,
10 prosthodontic, orthodontic and periodontic services provided to
11 dental patients by a legally qualified dentist or physician
12 operating within the scope of the dentist's or physician's
13 training and licensure.

14 "Eligible dental patient." A patient who is seven years of
15 age or younger or developmentally disabled for whom a successful
16 result cannot be expected for treatment under local anesthesia
17 and for whom a superior result can be expected for treatment
18 under general anesthesia.

19 "General anesthesia." A controlled state of unconsciousness,
20 including deep sedation, that is produced by a pharmacologic
21 method, a nonpharmacologic method or a combination of both and
22 that is accompanied by a complete or partial loss of protective
23 reflexes that include the patient's inability to maintain an
24 airway independently and to respond purposefully to physical
25 stimulation or verbal command.

26 "Health care facility." A health care facility that provides
27 clinically related health services, including, but not limited
28 to general or specific hospital, psychiatric hospital,
29 rehabilitation hospital, a facility in which the administration
30 of general anesthesia in connection with dental care is

1 permitted, ambulatory surgical facility, long-term care nursing
2 facility, cancer treatment center using radiation therapy on an
3 ambulatory basis and an inpatient drug and alcohol treatment
4 facility, both profit and nonprofit, and including any such
5 facility operated by an agency or State or local government. The
6 term shall also include a hospice. The term shall not include a
7 facility that provides treatment solely on the basis of prayer
8 or spiritual means in accordance with the tenets of a church or
9 religious denomination or a facility conducted by a religious
10 organization for the purpose of providing health care services
11 exclusively to clergy or other persons in a religious profession
12 who are members of the religious denomination operating the
13 facility.

14 "Health insurance policy." An individual or group health,
15 sickness or accident policy, subscriber contract or certificate
16 issued by an entity subject to this act or any of the following:

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

19 (2) The act of December 29, 1972 (P.L.1701, No.364),
20 known 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 (4) Medical assistance.

25 The term does not include any of the following types of
26 policies: accident only, fixed indemnity, limited benefit,
27 credit, dental, vision, specified disease, Medicare
28 supplemental, Civilian Health and Medical Program of the Uniform
29 Services (CHAMPUS) supplement, long-term care, disability
30 income, workers' compensation or automobile medical payment.

1 Section 3. Required coverage.

2 (a) General rule.--

3 (1) Every health insurance policy shall cover general
4 anesthesia and associated medical costs provided to an
5 eligible dental patient.

6 (2) A carrier may require prior authorization in
7 accordance with the carrier's health insurance policy and
8 requirements.

9 (3) A policy of accident and health insurance providing
10 coverage to a resident of this Commonwealth must also provide
11 coverage for general anesthesia and associated medical costs
12 associated with its administration and must be billed by a
13 dentist for an eligible dental patient, excluding dental care
14 covered under the health plan, regardless of whether the
15 services are provided in a health care facility or a dental
16 office.

17 (b) Coverage subject to annual deductible, copayment or
18 coinsurance requirements.--The coverage required under this act
19 shall be subject to the annual deductible, copayment or
20 coinsurance requirements imposed by an entity subject to this
21 act for similar coverages under the same health insurance policy
22 or contract.

23 (c) Construction.--This act shall not be construed to
24 require coverage for dental care for which general anesthesia is
25 provided.

26 (d) Nonapplicability.--The provisions of this section shall
27 not apply to dental care rendered for temporal mandibular joint
28 disorders.

29 Section 4. Repeals.

30 All acts and parts of acts are repealed insofar as they are

1 inconsistent with this act.

2 Section 5. Applicability.

3 This act shall apply to all health insurance policies issued
4 under any group master policy or individual policy delivered or
5 issued for delivery on or after the effective date of this
6 section only to residents of this Commonwealth and to renewals
7 of such policies on or after the effective date of this section.

8 Section 6. Effective date.

9 This act shall take effect in 180 days.