

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 532 Session of 2011

INTRODUCED BY SAYLOR, BARRAR, BOBACK, CALTAGIRONE, COHEN, D. COSTA, CUTLER, DAY, 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, TAYLOR, VEREB, VULAKOVICH, WATSON, M. O'BRIEN, SONNEY, BARBIN, DAVIS, BRIGGS, STEVENSON, GIBBONS AND MULLERY, FEBRUARY 8, 2011

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 23, 2012

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~~ DEVELOPMENTALLY DISABLED Patient Access to Quality ←

7 Dental Care Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall

10 have the meanings given to them in this section unless the

11 context clearly indicates otherwise:

12 "Associated medical costs." Hospitalization and all related

13 medical expenses normally incurred as a result of the

14 administration of general anesthesia. ~~in a dental office,~~ ←

1 ~~hospital setting or any facility in which the administration of~~
2 ~~general anesthesia in connection with dental care is permitted.~~

3 ~~"Carrier." An entity that sells or offers to sell health-~~
4 ~~insurance policies in this Commonwealth.~~

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

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

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

28 ~~"Health care facility." A health care facility that provides~~ ←
29 ~~clinically related health services, including, but not limited-~~
30 ~~to general or specific hospital, psychiatric hospital,~~

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

16 "Health insurance policy." An individual or group health,
17 sickness or accident policy, subscriber contract or certificate
18 ~~issued~~ OFFERED, ISSUED OR RENEWED by an entity subject to ~~this~~ ←
19 ~~act or~~ any of the following:

20 (1) The act of May 17, 1921 (P.L.682, No.284), known as
21 The Insurance Company Law of 1921, INCLUDING A SOCIETY AS ←
22 DEFINED IN SECTION 2402 OF THE INSURANCE COMPANY LAW OF 1921.

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

25 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
26 corporations) or 63 (relating to professional health services
27 plan corporations).

28 ~~(4) Medical assistance.~~ ←

29 The term does not include any of the following types of
30 policies: accident only, fixed indemnity, limited benefit,

1 credit, dental, vision, specified disease, Medicare
2 supplemental, Civilian Health and Medical Program of the Uniform
3 Services (CHAMPUS) supplement, long-term care, disability
4 income, workers' compensation or automobile medical payment.

5 Section 3. Required coverage.

6 ~~(a) General rule.~~ ←

7 ~~(1) Every health insurance policy shall cover general~~

8 (A) GENERAL RULE.--EVERY HEALTH INSURANCE POLICY SHALL ←
9 PROVIDE COVERAGE FOR GENERAL anesthesia and associated medical
10 costs provided to an eligible dental patient.

11 ~~(2) A carrier may require prior authorization in~~ ←
12 ~~accordance with the carrier's health insurance policy and~~
13 ~~requirements.~~

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

22 (b) Coverage subject to annual deductible, copayment or
23 coinsurance requirements.--~~The coverage required under this act~~ ←
24 ~~shall be subject to the annual deductible, copayment or~~
25 ~~coinsurance requirements imposed by an entity subject to this~~
26 ~~act for similar coverages under the same health insurance policy~~
27 ~~or contract.~~ COVERAGE UNDER THIS ACT SHALL BE SUBJECT TO ←
28 DEDUCTIBLE, COPAYMENT OR COINSURANCE PROVISIONS AND ANY OTHER
29 GENERAL EXCLUSIONS, LIMITATIONS OR REQUIREMENTS OF A HEALTH
30 INSURANCE POLICY TO THE SAME EXTENT AS OTHER MEDICAL SERVICES

1 COVERED BY THE POLICY ARE SUBJECT TO THOSE PROVISIONS.

2 (c) Construction.--This act shall not be construed to
3 require coverage for dental care for which general anesthesia is
4 provided.

5 (d) Nonapplicability.--The provisions of this section shall
6 not apply to GENERAL ANESTHESIA FOR dental care rendered for ←
7 temporal mandibular joint disorders.

8 Section 4. Repeals.

9 All acts and parts of acts are repealed insofar as they are
10 inconsistent with this act.

11 Section 5. Applicability.

12 This act shall apply to all health insurance policies issued ←
13 ~~under any group master policy or individual policy delivered or~~
14 ~~issued for delivery on or after the effective date of this~~
15 ~~section only to residents of this Commonwealth and to renewals~~
16 ~~of such policies~~ OFFERED, ISSUED OR RENEWED on or after the ←
17 effective date of this section.

18 Section 6 20. Effective date. ←

19 This act shall take effect in 180 days.