
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 108 Session of
2013

INTRODUCED BY MICOZZIE, DeLUCA, NEILSON, MALONEY AND
CALTAGIRONE, JANUARY 15, 2013

AS AMENDED ON SECOND CONSIDERATION, IN SENATE,
SEPTEMBER 24, 2013

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," further providing for expiration.~~
 12 AMENDING THE ACT OF MAY 17, 1921 (P.L.682, NO.284), ENTITLED "AN <--
 13 ACT RELATING TO INSURANCE; AMENDING, REVISING, AND
 14 CONSOLIDATING THE LAW PROVIDING FOR THE INCORPORATION OF
 15 INSURANCE COMPANIES, AND THE REGULATION, SUPERVISION, AND
 16 PROTECTION OF HOME AND FOREIGN INSURANCE COMPANIES, LLOYDS
 17 ASSOCIATIONS, RECIPROCAL AND INTER-INSURANCE EXCHANGES, AND
 18 FIRE INSURANCE RATING BUREAUS, AND THE REGULATION AND
 19 SUPERVISION OF INSURANCE CARRIED BY SUCH COMPANIES,
 20 ASSOCIATIONS, AND EXCHANGES, INCLUDING INSURANCE CARRIED BY
 21 THE STATE WORKMEN'S INSURANCE FUND; PROVIDING PENALTIES; AND
 22 REPEALING EXISTING LAWS," FURTHER PROVIDING FOR DEFINITIONS,
 23 FOR CHILDREN'S HEALTH CARE AND FOR EXPIRATION.

24 The General Assembly of the Commonwealth of Pennsylvania
 25 hereby enacts as follows:

26 ~~Section 1. Section 2362 of act of May 17, 1921 (P.L.682, <--~~
 27 ~~No.284), known as The Insurance Company Law of 1921, amended-~~

1 ~~March 22, 2010 (P.L.147, No.14), is amended to read:~~

2 ~~Section 2362. Expiration. This article shall expire~~
3 ~~December 31, [2013] 2015.~~

4 ~~Section 2. This act shall take effect immediately.~~

5 SECTION 1. THE DEFINITION OF "UNINSURED PERIOD" IN SECTION <--
6 2303 OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN AS THE
7 INSURANCE COMPANY LAW OF 1921, AMENDED NOVEMBER 2, 2006
8 (P.L.1314, NO.136), IS AMENDED TO READ:

9 SECTION 2303. DEFINITIONS.--AS USED IN THIS ARTICLE, THE
10 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO
11 THEM IN THIS SECTION:

12 * * *

13 ["UNINSURED PERIOD." EXCEPT FOR CHILDREN TWO YEARS OF AGE OR
14 LESS, A CONTINUOUS PERIOD OF TIME OF NOT LESS THAN SIX (6)
15 CONSECUTIVE MONTHS IMMEDIATELY PRECEDING ENROLLMENT DURING WHICH
16 A CHILD HAS BEEN WITHOUT HEALTH CARE INSURANCE COVERAGE IN
17 ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.]

18 * * *

19 SECTION 2. SECTION 2311(C)(1.1), (F.1) ~~AND~~, (I)(5) AND <--
20 (L)(6.1) OF THE ACT, AMENDED NOVEMBER 2, 2006 (P.L.1314,
21 NO.136), ARE AMENDED TO READ:

22 SECTION 2311. CHILDREN'S HEALTH CARE.--

23 * * *

24 (C) * * *

25 (1.1) BEGINNING JANUARY 1, 2007, AND SUBJECT TO THE
26 PROVISIONS OF SECTION 2314, ANY INSURER RECEIVING FUNDS FROM THE
27 DEPARTMENT TO PROVIDE COVERAGE OF HEALTH CARE SERVICES UNDER
28 THIS SECTION SHALL ENROLL, TO THE EXTENT THAT FUNDS ARE
29 AVAILABLE, ANY CHILD WHO MEETS ALL OF THE FOLLOWING:

30 (I) IS A RESIDENT OF THIS COMMONWEALTH.

1 (II) IS NOT COVERED BY A HEALTH INSURANCE PLAN, A SELF-
2 INSURANCE PLAN OR A SELF-FUNDED PLAN, OR IS NOT PROVIDED ACCESS
3 TO HEALTH CARE COVERAGE BY COURT ORDER, OR IS NOT ELIGIBLE FOR
4 OR COVERED BY A MEDICAL ASSISTANCE PROGRAM ADMINISTERED BY THE
5 DEPARTMENT OF PUBLIC WELFARE, INCLUDING THE HEALTHY BEGINNINGS
6 PROGRAM.

7 (III) IS QUALIFIED BASED ON INCOME UNDER SUBSECTION (D),
8 (E.1), (E.2), (E.3) OR (E.4) [AND MEETS THE UNINSURED PERIOD
9 REQUIREMENTS AS PROVIDED IN SUBSECTION (F.1)].

10 (IV) MEETS THE CITIZENSHIP REQUIREMENTS OF TITLE XXI OF THE
11 SOCIAL SECURITY ACT.

12 * * *

13 (F.1) [TO BE ELIGIBLE FOR COVERAGE UNDER SUBSECTIONS (E.1),
14 (E.2), (E.3) AND (E.4), A CHILD OVER TWO (2) YEARS OF AGE MUST
15 HAVE BEEN UNINSURED FOR THE UNINSURED PERIOD UNLESS:

16 (1) THE CHILD'S PARENT IS ELIGIBLE TO RECEIVE BENEFITS
17 PURSUANT TO THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937
18 P.L.2897, NO.1), KNOWN AS THE "UNEMPLOYMENT COMPENSATION LAW";

19 (2) THE CHILD'S PARENT WAS COVERED BY A HEALTH INSURANCE
20 PLAN, A SELF-INSURANCE PLAN OR A SELF-FUNDED PLAN BUT, AT THE
21 TIME OF APPLICATION FOR COVERAGE, IS NO LONGER EMPLOYED AND IS
22 INELIGIBLE TO RECEIVE BENEFITS UNDER THE "UNEMPLOYMENT
23 COMPENSATION LAW"; OR

24 (3) A CHILD IS TRANSFERRING FROM ONE GOVERNMENT-SUBSIDIZED
25 HEALTH CARE PROGRAM TO ANOTHER.] (RESERVED).

26 * * *

27 (I) THE CHILDREN'S HEALTH ADVISORY COUNCIL IS ESTABLISHED
28 WITHIN THE DEPARTMENT AS AN ADVISORY COUNCIL. THE FOLLOWING
29 SHALL APPLY:

<--

30 * * *

1 (5) ALL MEETINGS OF THE COUNCIL SHALL BE CONDUCTED PURSUANT
2 TO 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS) UNLESS OTHERWISE
3 PROVIDED IN THIS SECTION. THE COUNCIL SHALL MEET AT LEAST
4 [ANNUALLY] TWICE PER YEAR AND MAY PROVIDE FOR SPECIAL MEETINGS
5 AS IT DEEMS NECESSARY. MEETING DATES SHALL BE SET BY A MAJORITY
6 VOTE OF MEMBERS OF THE COUNCIL OR BY CALL OF THE CHAIRPERSON
7 UPON SEVEN (7) DAYS' NOTICE TO ALL MEMBERS. THE COUNCIL SHALL
8 PUBLISH NOTICE OF ITS MEETINGS IN THE PENNSYLVANIA BULLETIN.
9 NOTICE SHALL SPECIFY THE DATE, TIME AND PLACE OF THE MEETING AND
10 SHALL STATE THAT THE COUNCIL'S MEETINGS ARE OPEN TO THE GENERAL
11 PUBLIC. ALL ACTION TAKEN BY THE COUNCIL SHALL BE TAKEN IN OPEN
12 PUBLIC SESSION AND SHALL NOT BE TAKEN EXCEPT UPON A MAJORITY
13 VOTE OF THE MEMBERS PRESENT AT A MEETING AT WHICH A QUORUM IS
14 PRESENT.

15 * * *

16 (L) A CONTRACTOR WITH WHOM THE DEPARTMENT ENTERS INTO A
17 CONTRACT SHALL DO THE FOLLOWING:

18 * * *

19 (6.1) THE DEPARTMENT SHALL IMPLEMENT A PREMIUM ASSISTANCE
20 PROGRAM PERMITTED UNDER FEDERAL REGULATIONS AND AS PERMITTED
21 THROUGH FEDERAL WAIVER OR STATE PLAN AMENDMENT MADE PURSUANT TO
22 THIS ARTICLE. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, IN
23 THE EVENT IT IS MORE COST EFFECTIVE TO PURCHASE HEALTH CARE FROM
24 A PARENT'S EMPLOYER-BASED PROGRAM AND THE EMPLOYER-BASED PROGRAM
25 MEETS THE MINIMUM COVERAGE REQUIREMENTS, EMPLOYER-BASED COVERAGE
26 MAY BE PURCHASED IN PLACE OF ENROLLMENT IN THE HEALTH INSURANCE
27 PROGRAM ESTABLISHED UNDER THIS SUBDIVISION. AN INSURER SHALL
28 HONOR A REQUEST FOR ENROLLMENT AND PURCHASE OF EMPLOYEE GROUP
29 HEALTH INSURANCE REQUESTED ON BEHALF OF AN INDIVIDUAL APPLYING
30 FOR COVERAGE UNDER THIS ARTICLE IF THAT INDIVIDUAL:

1 (I) IS A RESIDENT OF THIS COMMONWEALTH;

2 (II) IS QUALIFIED BASED ON INCOME UNDER SECTION 2311(D),
3 (E.1), (E.2) OR (E.3); AND

4 (III) [MEETS THE UNINSURED PERIOD, EXCEPT THAT ANY DELAY DUE
5 TO AN ENROLLMENT RESTRICTION, WHICH MAY NOT EXCEED NINETY (90)
6 DAYS, OR DUE TO THE LENGTH OF THE DEPARTMENT'S COST
7 EFFECTIVENESS DETERMINATION SHALL BE COUNTED TOWARDS CALCULATING
8 THE UNINSURED PERIOD; AND

9 (IV)] MEETS THE CITIZENSHIP REQUIREMENTS OF SECTION 2311(C)
10 (1.1)(IV).

11 * * *

12 SECTION 3. SECTION 2362 OF THE ACT, AMENDED MARCH 22, 2010
13 (P.L.147, NO.14), IS AMENDED TO READ:

14 SECTION 2362. EXPIRATION.--THIS ARTICLE SHALL EXPIRE
15 DECEMBER 31, [2013] 2015.

16 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.