

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 401 Session of 2013

INTRODUCED BY TOMLINSON, BROWNE, RAFFERTY, BREWSTER, BOSCOLA, GREENLEAF, WAUGH, MENSCH, COSTA, SOLOBAY, VULAKOVICH, WARD, SCHWANK, WASHINGTON, KASUNIC, GORDNER, ALLOWAY, BRUBAKER, HUTCHINSON, BAKER AND McILHINNEY, FEBRUARY 4, 2013

SENATOR WHITE, BANKING AND INSURANCE, AS AMENDED, JUNE 11, 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," providing for joint payment for
12 emergency service organization MEDICAL SERVICES AGENCIES. <--

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 635.7. Joint Payment for Emergency Service <--
19 Organization. (a) Whenever direct payment is made to an
20 insured for a claim covered under a health insurance policy for
21 a service performed by an emergency service organization, the
22 payment shall be made jointly payable to the insured and the

1 ~~emergency service organization.~~

2 ~~(b) The joint payment required under subsection (a) shall~~
3 ~~not apply in the following instances:~~

4 ~~(1) Payment is made under terms of the health insurance~~
5 ~~policy in the single name of a provider or emergency service~~
6 ~~organization.~~

7 ~~(2) Evidence of prepayment to the emergency service~~
8 ~~organization is submitted as part of a claim for payment to the~~
9 ~~insurer, in which case payment shall be made in the single name~~
10 ~~of the insured.~~ MEDICAL SERVICES AGENCIES.--(A) WHEN AN <--

11 ~~EMERGENCY MEDICAL SERVICES AGENCY IS PROPERLY DISPATCHED BY A~~
12 ~~PUBLIC SAFETY ANSWERING POINT AS DEFINED IN 35 PA.C.S. § 5302~~
13 ~~(RELATING TO DEFINITIONS) AND PROVIDES MEDICALLY NECESSARY~~
14 ~~EMERGENCY CARE, A PAYMENT MADE BY AN INSURER FOR A CLAIM COVERED~~
15 ~~UNDER A HEALTH INSURANCE POLICY FOR A SERVICE PERFORMED BY THE~~
16 ~~EMERGENCY MEDICAL SERVICES AGENCY DURING THE CALL SHALL BE PAID~~
17 ~~DIRECTLY TO THE EMERGENCY MEDICAL SERVICES AGENCY.~~

18 ~~(B) AN EMERGENCY MEDICAL SERVICES AGENCY PAID BY AN INSURER~~
19 ~~UNDER THIS SECTION MAY NOT BILL THE INSURED DIRECTLY OR~~
20 ~~INDIRECTLY OR OTHERWISE ATTEMPT TO COLLECT FROM THE INSURED FOR~~
21 ~~THE SERVICE PROVIDED, EXCEPT FOR A BILLING TO RECOVER A~~
22 ~~COPAYMENT OR DEDUCTIBLE AS SPECIFIED IN THE HEALTH INSURANCE~~
23 ~~POLICY.~~

24 ~~(C) THIS SECTION SHALL APPLY TO ANY HEALTH INSURANCE POLICY~~
25 ~~OFFERED, ISSUED OR RENEWED BY AN INSURER IN THIS COMMONWEALTH ON~~
26 ~~OR AFTER THE EFFECTIVE DATE OF THIS SECTION, EXCEPT THAT THIS~~
27 ~~SECTION SHALL NOT INCLUDE THE FOLLOWING POLICIES:~~

28 ~~(1) ACCIDENT ONLY.~~

29 ~~(2) FIXED INDEMNITY.~~

30 ~~(3) LIMITED BENEFIT.~~

- 1 (4) CREDIT.
- 2 (5) DENTAL.
- 3 (6) VISION.
- 4 (7) SPECIFIED DISEASE.
- 5 (8) MEDICARE SUPPLEMENT.
- 6 (9) CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED
7 SERVICES (CHAMPUS) SUPPLEMENT.
- 8 (10) LONG-TERM CARE.
- 9 (11) DISABILITY INCOME.
- 10 (12) WORKERS' COMPENSATION.
- 11 (13) AUTOMOBILE MEDICAL PAYMENT INSURANCE.
- 12 (D) THIS SECTION SHALL BE CONSTRUED TO APPLY ONLY TO
13 EMERGENCY MEDICAL SERVICES AGENCIES THAT ARE NONNETWORK
14 PROVIDERS.

15 Section 2. This act shall take effect in 60 days.