

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 347 Session of
2015

INTRODUCED BY O'NEILL, READSHAW, BAKER, BARRAR, CAUSER, COHEN,
D. COSTA, CUTLER, DAVIS, DAY, DEASY, DIGIROLAMO, DUSH,
GABLER, GILLEN, HARHART, HARPER, A. HARRIS, JAMES, KAUFFMAN,
M. K. KELLER, KORTZ, LAWRENCE, MALONEY, MARSHALL, MASSER,
MILLARD, MILNE, RADER, SONNEY, TALLMAN, TRUITT, WATSON,
WHEATLEY, FEE, MENTZER, MURT, ROZZI, FARRY, EVERETT, MOUL,
HEFFLEY, GIBBONS, M. DALEY, SANTARSIERO, MICCARELLI, ROAE,
BARBIN AND BURNS, FEBRUARY 5, 2015

SENATOR WHITE, BANKING AND INSURANCE, IN SENATE, AS AMENDED,
SEPTEMBER 30, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in emergency medical services system,
3 providing for emergency service system billing.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 8103 of Title 35 of the Pennsylvania
7 Consolidated Statutes is amended by adding a definition to read:

8 § 8103. Definitions.

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

12 * * *

13 "Insurer." As follows:

14 (1) An entity that is responsible for providing or

1 paying for all or part of the cost of emergency medical
2 services covered by an insurance policy, contract or plan.

3 The term includes an entity subject to:

4 (i) SECTION 630, ARTICLE XXIV OR ANY OTHER PROVISION <--
5 OF the act of May 17, 1921 (P.L.682, No.284), known as
6 The Insurance Company Law of 1921;

7 (ii) the act of December 29, 1972 (P.L.1701,
8 No.364), known as the Health Maintenance Organization
9 Act; or

10 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
11 corporations) or 63 (relating to professional health
12 services plan corporations).

13 (2) The term does not include an entity that is
14 responsible for providing or paying under an insurance
15 policy, contract or plan which meets any of the following:

16 (i) Is a homeowner's insurance policy.

17 (ii) Provides any of the following types of
18 insurance:

19 (A) Accident only.

20 (B) Fixed indemnity.

21 (C) Limited benefit.

22 (D) Credit.

23 (E) Dental.

24 (F) Vision.

25 (G) Specified disease.

26 (H) Medicare supplement.

27 (I) Civilian Health and Medical Program of the
28 Uniformed Services (CHAMPUS) supplement.

29 (J) Long-term care.

30 (K) Disability income.

1 (L) Workers' compensation.

2 (M) Automobile medical payment insurance.

3 * * *

4 Section 2. Title 35 is amended by adding a section to read:

5 § ~~8158~~ 8143. Billing. <--

6 (a) General rule.--When an EMS agency is dispatched by a
7 public safety answering point as defined in section 5302
8 (relating to definitions) OR AN EMS AGENCY DISPATCH CENTER UNDER <--

9 SECTION 8129(I) (RELATING TO EMERGENCY MEDICAL SERVICES
10 AGENCIES) FOR AN EMERGENCY and provides medically necessary
11 emergency care MEDICAL SERVICES, a payment made by an insurer <--
12 for a claim covered under and in accordance with a health
13 insurance policy for a service performed by the EMS agency
14 during the call shall be paid directly to the EMS agency.

15 (b) Reimbursement.--An insurer must reimburse a nonnetwork
16 EMS agency under the following conditions: <--

17 (1) The EMS agency has submitted a completed
18 standardized form to the department requesting nonnetwork
19 direct reimbursement from an insurer an EMS agency has
20 identified. The form must be submitted to the department
21 annually by October 15. The form shall declare the EMS
22 agency's intention to receive direct payment from an insurer
23 identified on the form for the next calendar year. The
24 department shall develop a standardized form, using an EMS
25 agency's assigned license number, to be used by an EMS agency
26 that meets the conditions established under this section.
27 The department shall develop and maintain a publicly
28 accessible ELECTRONIC registry that indicates which EMS <--
29 agency has requested nonnetwork direct reimbursement from an
30 insurer identified on the form.

1 (2) An EMS agency has provided notification to the
2 insurer upon submitting a claim for reimbursement that the
3 EMS agency is registered with the department to receive
4 direct reimbursement as provided for under this section.

5 (c) Periodic audit.--An EMS agency may be subject to
6 periodic audits by an insurer to examine claims for direct
7 reimbursement under this ~~chapter~~ SECTION. If, through the audit, <--
8 the ~~payer~~ INSURER identifies an improper payment, the ~~payer~~ <--
9 INSURER may deduct the improper payment from future <--
10 reimbursements. ~~The insurer must forward the insurer's findings~~ <--
11 to the department.

12 (d) Insured.--An EMS agency paid by an insurer under this <--
13 ~~section~~ WHERE AN INSURER HAS REIMBURSED A NONNETWORK EMS AGENCY <--
14 AT THE SAME RATE IT HAS ESTABLISHED FOR A NETWORK EMS AGENCY,
15 THE EMS AGENCY may not bill the insured directly or indirectly
16 or otherwise attempt to collect from the insured for the service
17 provided, except for a billing to recover a copayment,
18 coinsurance or deductible as specified in the health insurance
19 policy.

20 (e) Donations, etc.--

21 ~~(1)~~ An EMS agency that submits a form under this section <--
22 may solicit donations, memberships or conduct fundraising,
23 except that an EMS agency may not promise, suggest or infer
24 to donors that a donation will result in the donor not being
25 billed directly for any payment as provided under this
26 section. Notwithstanding this paragraph, an EMS agency may
27 bill in accordance with subsection (d).

28 ~~(2) Material used for soliciting for donations or <--~~
29 ~~memberships must state substantially that a donation or~~
30 ~~membership may potentially limit out of pocket expenses. A~~

1 violation of this section shall be considered a violation of
2 the act of December 17, 1968 (P.L.1224, No.387), known as the
3 Unfair Trade Practices and Consumer Protection Law.

4 (f) Clean claim.--An insurer must remit payment of a clean <--
5 claim directly to the EMS agency in accordance with CLAIMS PAID <--
6 UNDER THIS SECTION SHALL BE SUBJECT TO section 2166 of the act
7 of May 17, 1921 (P.L.682, No.284), known as The Insurance
8 Company Law of 1921. A payment to an insured shall not <--
9 constitute compliance with this section.

10 (g) Application.--This section shall apply only to an EMS
11 agency that is a nonnetwork provider and provides 911 emergency <--
12 care MEDICAL SERVICES. <--

13 Section 3. This act shall take effect January 1, 2016.