

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 976 Session of 2015

INTRODUCED BY MURT, V. BROWN, COHEN, DAVIDSON, HARPER, MAJOR, McCARTER, PICKETT, SCHWEYER AND WATSON, APRIL 15, 2015

REFERRED TO COMMITTEE ON INSURANCE, APRIL 15, 2015

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," in casualty insurance, providing  
12 for acquired brain injury disclosure.

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. Acquired Brain Injury Disclosure.--(a) An  
19 insurer shall supply each insured and enrollee and each  
20 prospective insured and enrollee with the following written  
21 information upon request. The information shall be easily  
22 understandable by the layperson and shall include all of the  
23 following:

- (1) A description of coverage which includes the following:
- (i) Behavioral optometry or vision therapy.
  - (ii) Case management.
  - (iii) Cognitive communication therapy.
  - (iv) Cognitive rehabilitation therapy.
  - (v) Cognitive remediation.
  - (vi) Community integration therapy.
  - (vii) Family education and counseling.
  - (viii) Hyperbaric oxygen therapy.
  - (ix) Neurobehavioral testing.
  - (x) Evaluation and treatment.
  - (xi) Neurocognitive therapy and rehabilitation.
  - (xii) Neuropsychological testing, evaluation and treatment.
  - (xiii) Neuropsychiatric evaluation and treatment.
  - (xiv) Neurofeedback therapy.
  - (xv) Occupational therapy.
  - (xvi) Physical therapy.
  - (xvii) Post-acute transition services.
  - (xviii) Speech and language therapy.
  - (xix) Vision biofeedback.
- (2) A description of coverage, benefits and benefit maximums related to an acquired brain injury treatment and rehabilitation, including benefit limitations and exclusions of coverage, health care services and the definition of medical necessity used by the plan in determining whether these benefits will be covered.
- (3) A description of all necessary prior authorizations.
- (4) A description of an insurer's personnel responsible for case management and prior authorizations of an insured or enrollee with an acquired brain injury.

1 (5) Other information as may be required by the department.

2 (b) The department, in consultation with the Department of  
3 Health's Traumatic Brain Injury Advisory Board, shall promulgate  
4 regulations concerning the specific contents and wording of the  
5 notice required under this section.

6 (c) For purposes of this section, the following words and  
7 phrases shall have the meanings given to them in this subsection  
8 unless the context clearly indicates otherwise:

9 "Acquired brain injury" means the cognitive, intellectual,  
10 emotional, behavioral and physical effects of a traumatic or  
11 nontraumatic injury to the brain. The term does not include  
12 inherited, congenital or degenerative conditions.

13 "Department" means the Insurance Department of the  
14 Commonwealth.

15 "Health insurance policy" means as follows:

16 (1) Any group health, sickness or accident policy or  
17 subscriber contract or certificate issued by an entity subject  
18 to any of the following:

19 (i) This act.

20 (ii) The act of December 29, 1972 (P.L.1701, No.364), known  
21 as the "Health Maintenance Organization Act."

22 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
23 corporations) or 63 (relating to professional health services  
24 plan corporations).

25 (2) The term does not include the following types of  
26 insurance or any combination of the following types of  
27 insurance:

28 (i) Accident only.

29 (ii) Fixed indemnity.

30 (iii) Limited benefit.

1     (iv) Credit.

2     (v) Dental.

3     (vi) Vision.

4     (vii) Specified disease.

5     (viii) Medicare supplement.

6     (ix) CHAMPUS (Civilian Health and Medical Program of the  
7 Uniformed Services) supplement.

8     (x) Long-term care or disability income.

9     (xi) Workers' compensation.

10    (xii) Automobile medical payment.

11    "Insurer" means any entity that issues an individual or group  
12 health insurance policy, contract or plan described under the  
13 definition of health insurance policy.

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