

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1629 Session of 2015

INTRODUCED BY DAVIDSON, KINSEY, ROZZI, MURT, COHEN, THOMAS,
YOUNGBLOOD, DEAN, DAVIS, BISHOP, V. BROWN, BULLOCK AND
DRISCOLL, OCTOBER 15, 2015

REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 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 coverage for assertive community treatment.

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. Coverage for Assertive Community Treatment.--

19 (a) A health insurance policy shall provide coverage for
20 assertive community treatment for an individual who is eighteen
21 (18) years of age or older and has serious and persistent mental
22 illness if the individual:

1 (1) Meets the following criteria:

2 (i) Has a primary diagnosis of schizophrenia or other
3 psychotic disorder, such as schizoaffective disorder or bipolar
4 disorder, as defined by the DSM. A primary diagnosis of a
5 substance use disorder, intellectual disability or brain injury
6 does not qualify an individual under this subclause.

7 (ii) Has a Global Assessment of Functioning Scale, as
8 specified in the DSM, rating of forty (40) or below.

9 (iii) Meets at least two of the following criteria:

10 (A) Has had at least two psychiatric hospitalizations in the
11 past twelve months or lengths of stay totaling over thirty days
12 in the past twelve months, including admissions to psychiatric
13 emergency services.

14 (B) Has intractable severe major symptoms.

15 (C) Has co-occurring mental illness and substance use
16 disorders with more than six months duration at the time of
17 contact.

18 (D) Has a high risk or recent history of criminal justice
19 involvement, which may include frequent contact with law
20 enforcement personnel, incarcerations, parole or probation.

21 (E) Is homeless, at imminent risk of being homeless or
22 residing in unsafe housing.

23 (F) Resides in an inpatient or supervised community
24 residence, but clinically assessed to be able to live in a more
25 independent living situation if intensive services are provided,
26 or requires a residential or institutional placement if more
27 intensive services are not available.

28 (iv) Has difficulty effectively utilizing traditional case
29 management or office-based outpatient services or requires a
30 more assertive and frequent non-office-based service to meet

1 clinical needs.

2 (2) Does not meet the criteria under clause (1) but has
3 written prior approval by a behavioral health managed care
4 organization or a county mental health and intellectual
5 disability office, as applicable, to receive assertive community
6 treatment.

7 (c) For the purposes of this section:

8 "Assertive community treatment" means:

9 (1) a service delivery model for providing comprehensive
10 community-based treatment to individuals with serious mental
11 illness; and

12 (2) a self-contained mental health program having a
13 multidisciplinary mental health staff, including a peer
14 specialist, who work as a team to provide the majority of
15 treatment, rehabilitation and support services that individuals
16 with serious mental illness need to achieve their goals.

17 "DSM" means the Diagnostic and Statistical Manual of Mental
18 Disorders or any successor.

19 "Health insurance policy" means any group health, sickness or
20 accident policy or subscriber contract or certificate offered to
21 groups of fifty-one (51) or more employees issued by an entity
22 subject to any one of the following:

23 (1) This act.

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

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

29 The term does not include accident only, fixed indemnity,
30 limited benefit, credit, dental, vision, specified disease,

Medicare supplement, Civilian Health and Medical Program of the
Uniformed Services (CHAMPUS) supplement, long-term care or
disability income, workers' compensation or automobile medical
payment insurance.

"Homeless" means an individual who lives outdoors or whose
primary residence during the night in a supervised public or
private facility that provides temporary living accommodations.

"Imminent risk of being homeless" means meeting at least one
of the following criteria:

(1) Doubled-up living arrangement where the individual's
name is not on the lease.

(2) Living in a condemned building.

(3) Having arrears in rent and utility payments with no
ability to pay.

(4) Having received an eviction notice without a place to
live following eviction.

(5) Living in temporary or transitional housing that carries
time limits or being discharged from a health care or criminal
justice institution without a place to live.

Section 2. If an act of the General Assembly establishing an
Assertive Community Treatment Program in the Department of Human
Services is enacted, the Secretary of Human Services shall
transmit notice of the enactment to the Legislative Reference
Bureau for publication in the Pennsylvania Bulletin.

Section 3. This act shall take effect as follows:

(1) The addition of section 635.7 of the act shall take
effect upon publication of the notice under section 2 of this
act.

(2) The remainder of this act shall take effect
immediately.