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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 115 Session of  
2017

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INTRODUCED BY KAUFER, READSHAW, FEE, HEFFLEY, DRISCOLL, TAYLOR,  
MURT, MILLARD, RADER, PICKETT, DAVIS, MULLERY, STAATS, BAKER,  
McNEILL, BOBACK, D. MILLER, SIMMONS, SAYLOR AND CUTLER,  
FEBRUARY 1, 2017

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REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 1, 2017

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AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated  
2 Statutes, in regulation of insurers and related persons  
3 generally, providing for mental health parity and access to  
4 addiction treatment.

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

7 Section 1. Title 40 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 39

10 MENTAL HEALTH PARITY AND

11 ACCESS TO ADDICTION TREATMENT

12 Sec.

13 3901. Scope.

14 3902. Definitions.

15 3903. Certification.

16 3904. Regulations.

17 § 3901. Scope.

18 This chapter relates to a certification of compliance with

1 Federal and State insurance laws regarding mental health and  
2 substance use disorder benefits.

3 § 3902. Definitions.

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

7 "Department." The Insurance Department of the Commonwealth.

8 "Insurer." An entity that issues or administers health  
9 insurance policies or health plans and is subject to the  
10 jurisdiction of the department. The term includes an entity  
11 organized or existing under or subject to any of the following:

12 (1) The act of May 17, 1921 (P.L.682, No.284), known as  
13 The Insurance Company Law of 1921.

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

16 (3) The act of May 18, 1976 (P.L.123, No.54), known as  
17 the Individual Accident and Sickness Insurance Minimum  
18 Standards Act.

19 (4) Chapter 61 (relating to hospital plan corporations)  
20 or 63 (relating to professional health services plan  
21 corporations).

22 "MHPAEA." The Paul Wellstone and Pete Domenici Mental Health  
23 Parity and Addiction Equity Act of 2008 (Public Law 110-343, 122  
24 Stat. 3765).

25 § 3903. Certification.

26 No later than January 1 of each year, an insurer that issues  
27 or administers a health insurance policy or health plan in this  
28 Commonwealth, including a policy or plan in which mental health  
29 or substance use disorder benefits are managed by an entity  
30 other than the insurer, shall file with the department a written

1 certification signed by an officer of the insurer under oath  
2 attesting that:

3 (1) The insurer has completed a comprehensive review of  
4 all health insurance policies and health plans issued or  
5 administered by the insurer, including policies and plans in  
6 which mental health or substance use disorder benefits are  
7 managed by an entity other than the insurer, for compliance  
8 with the requirements of MHPAEA and its implementing  
9 regulations and interim final rules and compliance with  
10 section 604-B of the act of May 17, 1921 (P.L.682, No.284),  
11 known as The Insurance Company Law of 1921, and its  
12 implementing regulations.

13 (2) All policies and plans under paragraph (1) comply  
14 with the laws, regulations and interim final rules referred  
15 to in paragraph (1).

16 § 3904. Regulations.

17 The department shall promulgate regulations necessary to  
18 implement this chapter.

19 Section 2. All acts and parts of acts are repealed insofar  
20 as they are inconsistent with 40 Pa.C.S. Ch. 39.

21 Section 3. This act shall take effect immediately.