

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1013 Session of 2017

INTRODUCED BY BARRAR, BOBACK, R. BROWN, CHARLTON, D. COSTA, COX, DAVIS, FARRY, GABLER, GILLEN, MASSER, O'NEILL, ORTITAY, READSHAW, ROZZI, SACCONI, SNYDER, WARD, CAUSER, RADER, GODSHALL, DUSH AND BARBIN, MARCH 28, 2017

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 10, 2017

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 QUALITY HEALTH CARE <--
12 ACCOUNTABILITY AND PROTECTION, further providing FOR <--
13 DEFINITIONS AND for emergency services.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 2116 of the act of May 17, 1921 (P.L.682, <--~~
17 ~~No.284), known as The Insurance Company Law of 1921, is amended~~
18 ~~to read:~~

19 SECTION 1. THE DEFINITION OF "EMERGENCY SERVICE" IN SECTION <--
20 2102 OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN AS THE
21 INSURANCE COMPANY LAW OF 1921, IS AMENDED TO READ:

1 SECTION 2102. DEFINITIONS.--AS USED IN THIS ARTICLE, THE  
2 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO  
3 THEM IN THIS SECTION:

4 \* \* \*

5 "EMERGENCY SERVICE." ANY HEALTH CARE SERVICE PROVIDED TO AN  
6 ENROLLEE AFTER THE SUDDEN ONSET OF A MEDICAL CONDITION THAT  
7 MANIFESTS ITSELF BY ACUTE SYMPTOMS OF SUFFICIENT SEVERITY OR  
8 SEVERE PAIN SUCH THAT A PRUDENT LAYPERSON WHO POSSESSES AN  
9 AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE COULD REASONABLY EXPECT  
10 THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION TO RESULT IN:

11 (1) PLACING THE HEALTH OF THE ENROLLEE OR, WITH RESPECT TO A  
12 PREGNANT WOMAN, THE HEALTH OF THE WOMAN OR HER UNBORN CHILD IN  
13 SERIOUS JEOPARDY;

14 (2) SERIOUS IMPAIRMENT TO BODILY FUNCTIONS; OR

15 (3) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART.

16 [EMERGENCY TRANSPORTATION AND RELATED EMERGENCY SERVICE PROVIDED  
17 BY A LICENSED AMBULANCE SERVICE SHALL CONSTITUTE AN EMERGENCY  
18 SERVICE.] A HEALTH CARE SERVICE PROVIDED BY A LICENSED AMBULANCE  
19 SERVICE, WITH OR WITHOUT EMERGENCY TRANSPORTATION, SHALL  
20 CONSTITUTE AN EMERGENCY SERVICE.

21 \* \* \*

22 SECTION 2. SECTION 2116 OF THE ACT IS AMENDED TO READ:

23 Section 2116. Emergency Services.--(a) If an enrollee seeks  
24 emergency services and the emergency health care provider  
25 determines that emergency services are necessary, the emergency  
26 health care provider shall initiate necessary intervention to  
27 evaluate and, if necessary, stabilize the condition of the  
28 enrollee without seeking or receiving authorization from the  
29 managed care plan. The managed care plan shall pay all  
30 reasonably necessary costs associated with the emergency

1 services provided during the period of the emergency. When  
2 processing a reimbursement claim for emergency services, a  
3 managed care plan shall consider both the presenting symptoms  
4 and the services provided. The emergency health care provider  
5 shall notify the enrollee's managed care plan of the provision  
6 of emergency services and the condition of the enrollee. If an  
7 enrollee's condition has stabilized and the enrollee can be  
8 transported without suffering detrimental consequences or  
9 aggravating the enrollee's condition, the enrollee may be  
10 relocated to another facility to receive continued care and  
11 treatment as necessary.

12 (b) If an emergency medical services agency is dispatched by  
13 a public safety answering point, as defined in 35 Pa.C.S. § 5302  
14 (relating to definitions) and provides medically necessary  
15 emergency ~~care~~ SERVICES, including advanced life support <--  
16 services under 35 Pa.C.S. Ch. 81 (relating to emergency medical  
17 services system), to an enrollee and the enrollee does not  
18 require transport or refuses to be transported, the managed care  
19 plan shall pay all reasonably necessary costs associated with  
20 the emergency services provided during the period of the  
21 emergency. THE MANAGED CARE PLAN MAY NOT MAKE A DETERMINATION <--  
22 THAT EMERGENCY SERVICES WERE NOT MEDICALLY NECESSARY SOLELY ON  
23 THE BASIS THAT THE ENROLLEE DID NOT REQUIRE TRANSPORT OR REFUSED  
24 TO BE TRANSPORTED.

25 Section 2 3. This act shall take effect in 60 days. <--