

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 79

Session of 2019

INTRODUCED BY ISAACSON, HOHENSTEIN, A. DAVIS, KENYATTA, OTTEN, HILL-EVANS, SAMUELSON, SCHLOSSBERG, SIMS, INNAMORATO, McCLINTON, DiGIROLAMO, MULLINS, RAVENSTAHL, KORTZ, DALEY, VITALI, WARREN, ROEBUCK, GAINEY, CEPHAS, BULLOCK, CIRESI, D. MILLER, ROZZI, READSHAW, FRANKEL, WHEATLEY, McCARTER, O'MARA, LEE AND BOBACK, JANUARY 28, 2019

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 20, 2019

AN ACT

1 Providing for blood lead testing of certain children by health
2 care providers, for health insurance coverage for blood lead <--
3 testing PRACTITIONERS; and imposing duties on the Department <--
4 of Health.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Childhood
9 Blood Lead Test Act.

10 Section 2. Legislative findings. <--

11 The General Assembly finds and declares as follows:

12 (1) Lead is a naturally occurring element that is toxic
13 to humans when ingested or inhaled.

14 (2) Severe lead poisoning causes convulsions,
15 intellectual disabilities, seizures and sometimes death.

16 (3) Low level exposure to lead reduces intelligence,

1 ~~delays cognitive growth and impairs physical development.~~

2 ~~(4) Children who are in utero or less than six years of~~
3 ~~age are most sensitive to lead poisoning because their brains~~
4 ~~and nervous systems are still developing.~~

5 ~~(5) The only way to diagnose a child with an elevated~~
6 ~~blood lead level is through a blood test.~~

7 ~~(6) The health and development of children is endangered~~
8 ~~by chipping or peeling lead based paint or lead contaminated~~
9 ~~dust or soil in homes and neighborhoods throughout this~~
10 ~~Commonwealth.~~

11 ~~(7) Other sources of lead exposure can be through lead~~
12 ~~service lines for drinking water, lead solder used in~~
13 ~~drinking water lines and lead in consumer products such as~~
14 ~~toys, foods, cosmetics and ceramics.~~

15 ~~Section 3. Legislative purpose.~~

16 ~~The purposes of this act are:~~

17 ~~(1) To promote the elimination of childhood lead~~
18 ~~poisoning in this Commonwealth with the purpose of~~
19 ~~establishing a system predicated on cost effective, health~~
20 ~~protective measures to evaluate and control lead based paint~~
21 ~~hazards in housing built prior to 1978.~~

22 ~~(2) To substantially reduce, and eventually eliminate,~~
23 ~~the incidence of childhood lead poisoning in this~~
24 ~~Commonwealth.~~

25 ~~(3) To substantially reduce the risk of childhood lead~~
26 ~~poisoning in this Commonwealth by increasing the supply of~~
27 ~~lead safe housing.~~

28 ~~(4) To improve public awareness of lead safety issues~~
29 ~~and educate both property owners and tenants about practices~~
30 ~~that can reduce the incidence of lead poisoning.~~

1 ~~(5) To require the testing of all children in this~~
2 ~~Commonwealth at one and two years of age so that prompt~~
3 ~~diagnosis and treatment, as well as the prevention of harm,~~
4 ~~are possible.~~

5 Section 4 2. Definitions. <--

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

9 "Blood lead test." A blood lead draw whether by capillary,
10 venous or unknown sample type on a child that produces a
11 quantifiable result and is analyzed by a Clinical Laboratory
12 Improvement Amendments-certified facility or an approved
13 portable device.

14 "Department." The Department of Health of the Commonwealth.

15 ~~"Elevated blood lead level." A single blood lead test,~~ <--
16 ~~whether capillary or venous, at or above the Centers for Disease-~~
17 ~~Control and Prevention's reference range value.~~

18 "HEALTH CARE FACILITY." A HOSPITAL OR HEALTH CARE FACILITY <--
19 THAT IS LICENSED, CERTIFIED OR OTHERWISE REGULATED TO PROVIDE
20 HEALTH CARE SERVICES UNDER THE LAWS OF THIS COMMONWEALTH.

21 "HEALTH CARE PRACTITIONER." AS DEFINED IN SECTION 103 OF THE
22 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
23 FACILITIES ACT.

24 Section 5 3. Lead poisoning prevention. <--

25 ~~(a) Lead testing requirements.~~ <--

26 ~~(1) A health care provider shall make reasonable efforts~~
27 ~~to ensure that patients under the health care provider's care~~
28 ~~receive a blood lead test between nine and twelve months of~~
29 ~~age and again at approximately 24 months of age.~~

30 ~~(2) If the results of the blood lead test indicate an~~

1 ~~elevated blood lead level, the health care provider shall~~
2 ~~perform a confirmatory blood lead test by venipuncture within~~
3 ~~12 weeks of the first blood lead test.~~

4 ~~(3) Health care providers and laboratories shall comply~~
5 ~~with reporting regulations as specified in 28 Pa. Code §~~
6 ~~27.34 (relating to reporting cases of lead poisoning).~~

7 ~~(b) Nonapplicability. The testing requirements in this~~
8 ~~section shall not apply if a child's parent or legal guardian~~
9 ~~objects in writing to the blood lead test on religious grounds~~
10 ~~or on the basis of a strong moral or ethical conviction similar~~
11 ~~to a religious belief.~~

12 (A) LEAD TESTING REQUIREMENTS.--A CHILD SHALL RECEIVE A <--
13 BLOOD LEAD TEST BETWEEN NINE AND 12 MONTHS OF AGE AND AGAIN AT
14 APPROXIMATELY 24 MONTHS OF AGE. THE FOLLOWING APPLY:

15 (1) A HEALTH CARE PRACTITIONER PROVIDING HEALTH CARE
16 SERVICES TO CHILDREN UNDER TWO YEARS OF AGE SHALL PERFORM
17 LEAD TESTING ON THOSE CHILDREN, UNLESS THE HEALTH CARE
18 PRACTITIONER, AFTER QUERYING THE STATEWIDE REGISTRY PROVIDED
19 FOR UNDER SECTION 4(C), DETERMINES THAT THE CHILD HAS ALREADY
20 UNDERGONE LEAD TESTING.

21 (2) A CHILD WHO HAS NOT HAD HIS BLOOD LEAD LEVEL TESTED
22 BETWEEN APPROXIMATELY NINE AND 12 MONTHS OF AGE AND AGAIN AT
23 APPROXIMATELY 24 MONTHS OF AGE SHALL HAVE HIS BLOOD LEAD
24 LEVEL TESTED AS SOON AS POSSIBLE AFTER 24 MONTHS OF AGE BUT
25 BEFORE 72 MONTHS OF AGE.

26 (B) ADDITIONAL TESTING.--IF THE RESULTS OF A BLOOD LEAD TEST
27 INDICATE A BLOOD LEAD LEVEL AT OR ABOVE THE REFERENCE VALUE FOR
28 EXPOSURE IDENTIFIED BY THE CENTERS FOR DISEASE CONTROL AND
29 PREVENTION, THE HEALTH CARE PRACTITIONER SHALL PERFORM A
30 CONFIRMATORY BLOOD LEAD TEST BY VENIPUNCTURE WITHIN 12 WEEKS OF

1 THE FIRST BLOOD LEAD TEST AND WITHIN THE TIME FRAME RECOMMENDED
2 BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

3 (C) REPORTING.--HEALTH CARE PRACTITIONERS, HEALTH CARE
4 FACILITIES AND LABORATORIES SHALL COMPLY WITH 28 PA. CODE §
5 27.34 (RELATING TO REPORTING CASES OF LEAD POISONING).

6 Section ~~6~~ 4. Duties of department. <--

7 (a) Comprehensive educational program.--The department shall
8 conduct a public information campaign to inform parents of young
9 children, ~~physicians, nurses~~ HEALTH CARE PRACTITIONERS, HEALTH <--
10 CARE FACILITIES and other health care providers of the lead
11 testing requirements under this act.

12 (b) Distribution of literature about childhood lead
13 poisoning.--

14 (1) The department shall provide culturally and
15 linguistically appropriate educational materials regarding
16 childhood lead poisoning, the importance of testing for
17 elevated lead levels, INSURANCE COVERAGE FOR TESTING, <--
18 INCLUDING INFORMATION REGARDING THE MEDICAL ASSISTANCE (MA)
19 EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND TREATMENT
20 (EPSDT) PROGRAM AND HOW TO ENROLL, prevention of childhood
21 lead poisoning, treatment of childhood lead poisoning,
22 remediation and, when appropriate, the requirements of this
23 act.

24 (2) Educational materials shall be available at no cost
25 and shall be developed for specific audiences, including
26 health care ~~providers,~~ PRACTITIONERS, HEALTH CARE FACILITIES, <--
27 homeowners, landlords and parents or caregivers.

28 (c) Statewide registry.--The department shall develop an
29 electronic system to provide for the confidential storage and
30 management of blood lead testing information that enables a

1 health care ~~provider~~ PRACTITIONER to review a patient's history <--
2 to determine the status of blood lead testing required under
3 this act.

4 ~~Section 7. Blood lead testing coverage.~~ <--

5 ~~(a) General rule. A health insurance policy or government~~
6 ~~program covered under this section shall provide to covered~~
7 ~~individuals or recipients who are under two years of age~~
8 ~~coverage for one blood lead test during the time period between~~
9 ~~nine and twelve months of age, one blood lead test at~~
10 ~~approximately 24 months of age and, if the results of either of~~
11 ~~the blood level tests indicate an elevated blood lead level, an~~
12 ~~additional blood lead test by venipuncture within 12 weeks of~~
13 ~~the blood level test in which the elevated blood lead level was~~
14 ~~indicated.~~

15 ~~(b) Copayments, deductibles and coinsurance. Coverage under~~
16 ~~this section shall be subject to copayment, deductible and~~
17 ~~coinsurance provisions and any other general exclusions or~~
18 ~~limitations of a health insurance policy or government program~~
19 ~~to the same extent as other medical services covered by the~~
20 ~~health insurance policy or government program are subject to~~
21 ~~such provisions.~~

22 ~~(c) Construction. This section shall not be construed as~~
23 ~~limiting benefits which are otherwise available to an individual~~
24 ~~under a health insurance policy or government program.~~

25 ~~(d) Applicability.~~

26 ~~(1) This section shall apply to a health insurance~~
27 ~~policy offered, issued or renewed on or after July 1, 2019,~~
28 ~~in this Commonwealth to groups of 51 or more employees. This~~
29 ~~section shall not include the following policies:~~

30 ~~(i) An accident only policy.~~

1 ~~(ii) A credit only policy.~~

2 ~~(iii) A long term care or disability income policy.~~

3 ~~(iv) A specified disease policy.~~

4 ~~(v) A Medicare supplement policy.~~

5 ~~(vi) A TRICARE policy, including a Civilian Health~~
6 ~~and Medical Program of the Uniformed Services (CHAMPUS)~~
7 ~~supplement policy.~~

8 ~~(vii) A fixed indemnity policy.~~

9 ~~(viii) A dental only policy.~~

10 ~~(ix) A vision only policy.~~

11 ~~(x) A worker's compensation policy.~~

12 ~~(xi) An automobile medical payment policy.~~

13 ~~(xii) Another similar policy providing for limited~~
14 ~~benefits.~~

15 ~~(2) This section shall apply to a contract executed on~~
16 ~~or after July 1, 2019, under Article XXIII A of the act of~~
17 ~~May 17, 1921 (P.L.682, No.284), known as The Insurance~~
18 ~~Company Law of 1921, or by any successor program.~~

19 ~~(c) Report. An insurer shall issue a report to the~~
20 ~~Insurance Department, in a form and manner as determined by the~~
21 ~~Insurance Department, to evaluate the implementation of this~~
22 ~~section by January 1, 2021.~~

23 ~~Section 8. Applicability.~~

24 ~~This act shall apply as follows:~~

25 ~~(1) For health insurance policies for which either rates~~
26 ~~or forms are required to be filed with the Insurance~~
27 ~~Department or the Federal Government, this act shall apply to~~
28 ~~any policy for which a form or rate is first filed on or~~
29 ~~after the effective date of this section.~~

30 ~~(2) For health insurance policies for which neither~~

1 ~~rates nor forms are required to be filed with the Insurance~~
2 ~~Department or the Federal Government, this act shall apply to~~
3 ~~any policy issued or renewed on or after 180 days after the~~
4 ~~effective date of this section.~~

5 Section ~~9~~ 5. Regulations. <--

6 The department ~~shall~~ MAY promulgate rules and regulations <--
7 necessary to administer this act.

8 Section ~~10~~ 6. Effective ~~Date~~ DATE. <--

9 This act shall take effect in 60 days.