

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 469 Session of 2019

INTRODUCED BY DeLUCA, FRANKEL, A. DAVIS, HILL-EVANS, HARKINS, KINSEY, SANCHEZ, NEILSON, SCHLOSSBERG, YOUNGBLOOD, D. MILLER, CONKLIN, ISAACSON, DEASY, PASHINSKI, FREEMAN, KORTZ, CALTAGIRONE, SCHWEYER, McNEILL, DONATUCCI, FITZGERALD, KRUEGER, HARRIS, BRIGGS, ULLMAN, MULLINS, WARREN, BOYLE, COMITTA, BULLOCK, MADDEN, RAVENSTAHL, BURGOS, KENYATTA, READSHAW, KIRKLAND, MARKOSEK, T. DAVIS, SAMUELSON, DERMODY, GOODMAN, McCLINTON, CIRESI, SIMS, KIM, ROZZI, GALLOWAY, OTTEN, DALEY, ZABEL, WILLIAMS AND MALAGARI, FEBRUARY 11, 2019

AS AMENDED, COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, APRIL 27, 2020

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 coverage for essential health benefits AND FOR COVERAGE FOR <--
13 GENERAL ASSEMBLY AND OTHER COMMONWEALTH EMPLOYEES.

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

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
17 as The Insurance Company Law of 1921, is amended by adding a <--

18 ~~section~~ SECTIONS to read: <--

19 Section 635.8. Coverage for Essential Health Benefits.--(a)

1 A health insurance policy offered, issued or renewed in this
2 Commonwealth shall include coverage for essential health
3 benefits.

4 (b) Notwithstanding any other provision of law, the
5 provisions of this section providing greater protections to
6 individuals insured under a health insurance policy shall be
7 construed to supersede any law relating to a requirement of the
8 Patient Protection and Affordable Care Act (Public Law 111-148,
9 124 Stat. 119), except to the extent this section prevents the
10 application of a requirement of the Patient Protection and
11 Affordable Care Act.

12 (c) This act shall apply as follows:

13 (1) For health insurance policies for which either rates or
14 forms are required to be filed with the Insurance Department or
15 the Federal Government, this act shall apply to any policy for
16 which a form or rate is first filed on or after the effective
17 date of this section.

18 (2) For health insurance policies for which neither rates
19 nor forms are required to be filed with the Insurance Department
20 or the Federal Government, this act shall apply to any policy
21 issued or renewed on or after one hundred eighty days after the
22 effective date of this section.

23 (d) The Insurance Department may promulgate regulations
24 necessary for the implementation and administration of this
25 section.

26 (e) As used in this section, the following words and phrases
27 shall have the meanings given to them in this subsection unless
28 the context clearly indicates otherwise:

29 "Essential health benefits" means health care services and
30 benefits in the following categories:

- 1 (1) Ambulatory patient services.
- 2 (2) Emergency services.
- 3 (3) Hospitalization.
- 4 (4) Maternity and newborn health care.
- 5 (5) Mental health and substance use disorder services,
- 6 including, but not limited to, behavioral health treatment.
- 7 (6) Prescription drugs.
- 8 (7) Rehabilitative and habilitative services and devices.
- 9 (8) Laboratory services.
- 10 (9) Preventive and wellness services and chronic disease
- 11 management.
- 12 (10) Pediatric services, including, but not limited to, oral
- 13 and vision care.
- 14 "Health insurance policy" means a policy, subscriber
- 15 contract, certificate or plan, issued by an insurer that
- 16 provides medical or health care coverage. The term does not
- 17 include any of the following policies:
- 18 (1) Accident only.
- 19 (2) Credit only.
- 20 (3) Long-term care or disability income.
- 21 (4) Specified disease.
- 22 (5) Medicare supplement.
- 23 (6) Tricare, including a Civilian Health and Medical Program
- 24 of the Uniformed Services (CHAMPUS) supplement.
- 25 (7) Fixed indemnity.
- 26 (8) Dental only.
- 27 (9) Vision only.
- 28 (10) Workers' compensation.
- 29 (11) Automobile medical payment under 75 Pa.C.S. ~~§ 75-~~
- 30 (relating to vehicles).

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1 "Health insurer" means an entity licensed by the Insurance
2 Department with accident and health authority to issue a policy,
3 subscriber contract, certificate or plan that provides medical
4 or health care coverage that is offered or governed under any of
5 the following:

6 (1) This act, including, but not limited to, section 630 and
7 Article XXIV of this act.

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

10 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
11 corporations) or 63 (relating to professional health services
12 plan corporations).

13 SECTION 635.9. COVERAGE FOR GENERAL ASSEMBLY AND OTHER <--
14 COMMONWEALTH EMPLOYES.--NO LATER THAN JULY 1, 2020, OR THE
15 CONCLUSION OF THE CONTRACT FOR HEALTH INSURANCE COVERAGE THAT
16 WAS IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION, WHICHEVER
17 OCCURS LATER, THE FOLLOWING SHALL ONLY PARTICIPATE IN HEALTH
18 INSURANCE COVERAGE UNDER THE PATIENT PROTECTION AND AFFORDABLE
19 CARE ACT (PUBLIC LAW 111-148, 124 STAT. 119) OR ITS SUCCESSOR:

20 (1) ALL MEMBERS, OFFICERS AND EMPLOYES OF THE SENATE OR THE
21 HOUSE OF REPRESENTATIVES.

22 (2) ALL EMPLOYES OF THE GOVERNOR'S OFFICE.

23 (3) ALL EMPLOYES OF A DEPARTMENT, AGENCY, OFFICE, AUTHORITY,
24 BOARD OR COMMISSION OF THE COMMONWEALTH THAT IS SUBJECT TO THE
25 POLICY SUPERVISION AND CONTROL OF THE GOVERNOR.

26 (4) ALL EMPLOYES OF THE OFFICE OF LIEUTENANT GOVERNOR, THE
27 OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT OF THE AUDITOR
28 GENERAL OR THE TREASURY DEPARTMENT.

29 (5) ALL EMPLOYES OF A BOARD OR COMMISSION OF AN ENTITY
30 SPECIFIED IN PARAGRAPH (4).

1 (6) ALL EMPLOYES OF A DEPARTMENT, AGENCY, OFFICE, AUTHORITY,
2 BOARD OR COMMISSION OF THE COMMONWEALTH THAT IS NOT SUBJECT TO
3 THE POLICY SUPERVISION AND CONTROL OF THE GOVERNOR.

4 ~~Section 2. This act shall take effect in 30 days.~~ <--

5 SECTION 2. THE PROVISIONS OF THIS ACT ARE NONSEVERABLE. IF <--
6 ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
7 CIRCUMSTANCE IS HELD INVALID, THE REMAINING PROVISIONS OR
8 APPLICATIONS OF THIS ACT ARE VOID AB INITIO. THIS
9 NONSEVERABILITY CLAUSE IS CONTROLLING.

10 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

11 (1) THE ADDITION OF SECTION 635.8 OF THE ACT SHALL TAKE
12 EFFECT IN 30 DAYS.

13 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
14 IMMEDIATELY.