

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 958 Session of 2021

INTRODUCED BY ZIMMERMAN, KAUFFMAN, MALONEY, SMITH, RYAN, COX, KEEFER, JAMES, ROWE AND WHEELAND, MARCH 17, 2021

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 5, 2021

AN ACT

1 Providing for vaccination schedule for pediatric ~~and adult~~ <--
2 patients and for coverage, compensation and reimbursement for
3 vaccinations; and imposing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Immunization
8 Freedom Act.

9 Section 2. Definitions.

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

13 "Centers for Disease Control and Prevention." The United
14 States Department of Health and Human Services Centers for
15 Disease Control and Prevention.

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

17 "Health care facility." A facility which is licensed by the
18 department to operate as a health care facility under the act of

1 July 19, 1979 (P.L.130, No.48), known as the Health Care
2 Facilities Act.

3 "Health care practitioner." As defined in section 103 of the
4 Health Care Facilities Act.

5 "Health care provider." An individual, a trust or estate, a
6 partnership, a corporation, the Commonwealth or a political
7 subdivision or instrumentality of the Commonwealth that operates
8 a health care facility.

9 "Health insurance policy." A policy, subscriber contract,
10 certificate or plan issued by an insurer that provides hospital,
11 medical or surgical health care coverage. The term does not
12 include any of the following:

- 13 (1) An accident only policy.
- 14 (2) A credit only policy.
- 15 (3) A long-term care or disability income policy.
- 16 (4) A specified disease policy.
- 17 (5) A Medicare supplement policy.
- 18 (6) A fixed indemnity policy.
- 19 (7) An adult-only dental only policy.
- 20 (8) A vision only policy.
- 21 (9) A workers' compensation policy.
- 22 (10) An automobile medical payment policy.
- 23 (11) A policy under which benefits are provided by the
24 Federal Government to active or former military personnel and
25 their dependents.
- 26 (12) Any other similar policies providing for limited
27 benefits.

28 "Insurer." An entity that offers, issues or renews an
29 individual or group health, accident or sickness insurance
30 policy, contract or plan, and that is governed under any of the

1 following:

2 (1) 40 Pa.C.S. Ch. 61 (relating to hospital plan
3 corporations).

4 (2) 40 Pa.C.S. Ch. 63 (relating to professional health
5 services plan corporations).

6 (3) The act of May 17, 1921 (P.L.682, No.284), known as
7 The Insurance Company Law of 1921, including section 630 and
8 Article XXIV.

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

11 "License." Any of the following:

12 (1) A license issued by a Commonwealth licensing agency
13 or board to an individual to practice as a health care
14 practitioner.

15 (2) A license issued to a health care provider by the
16 department to operate as a health care facility.

17 Section 3. Vaccination schedule for pediatric ~~and adult~~ <--
18 patients.

19 ~~(a) Pediatric patients.~~ THE FOLLOWING APPLY: <--

20 (1) A health care practitioner may not cease to provide
21 pediatric care to a patient when the parent or legal guardian
22 of a patient chooses to utilize a vaccination schedule that
23 varies from the vaccination schedule recommended by the
24 Centers for Disease Control and Prevention if the patient
25 receives no less than one vaccination each calendar year.

26 (2) A health care practitioner may request a meeting
27 with the parent or legal guardian of a patient receiving
28 pediatric care to discuss a proposed vaccination schedule.
29 The health care practitioner may not bill the patient, the
30 patient's parent or legal guardian or the patient's insurer

1 for a meeting under this paragraph.

2 (3) A health care practitioner may establish a secure
3 waiting room in a health care facility for patients who
4 utilize a vaccination schedule that varies from the
5 vaccination schedule recommended by the Centers for Disease
6 Control and Prevention. Nothing in this paragraph shall be
7 construed to authorize a health care practitioner to limit
8 the hours when patients receiving a pediatric care can
9 schedule their appointments with the health care practitioner
10 in a manner to restrict the ability of the patients to have
11 their health care needs met.

12 (4) Upon agreeing on a vaccination schedule with the
13 parent or legal guardian of a patient receiving pediatric
14 care, a health care practitioner may issue a standing order
15 to a designee of the health care practitioner to ensure that
16 the patient utilizes the vaccination schedule. A standing
17 order under the paragraph may not prohibit the compensation
18 or reimbursement of a health care practitioner for other
19 services rendered by a health care practitioner.

20 ~~(b) Adult patients. A health care practitioner may not~~ <--
21 ~~cease to provide health care services to a patient who is 18-~~
22 ~~years of age or older when the patient does not utilize-~~
23 ~~vaccinations with the intent to booster the immune system.~~

24 Section 4. Coverage, compensation or reimbursement for
25 vaccinations.

26 (a) Insurers.--An insurer may not refuse to provide coverage
27 under a health care policy or compensate or reimburse a health
28 care practitioner operating within the scope of his or her
29 practice for a vaccination administered on a schedule that
30 varies from the vaccination schedule recommended by the Centers

1 for Disease Control and Prevention.

2 (b) Financial incentives.--Except for compensating or
3 reimbursing a health care practitioner for the cost of a
4 vaccination and the administration of a vaccination, an insurer
5 may not provide financial incentives to a health care
6 practitioner to provide vaccinations ON A PER-MEMBER BASIS. <--

7 Section 5. Penalties.

8 A health care practitioner who violates section 3 shall be
9 subject to administrative penalties imposed before the health
10 care practitioner's Commonwealth licensing agency or board for
11 unprofessional conduct.

12 Section 6. Effective date.

13 This act shall take effect immediately.