

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2072 Session of
2021INTRODUCED BY M. MACKENZIE, R. MACKENZIE AND FLOOD,
NOVEMBER 10, 2021AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 15, 2021

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 comprehensive health care for~~
12 ~~uninsured children, providing for reimbursement for~~
13 ~~nonpayment of premiums.~~
14 PROVIDING FOR PAYMENT OF DELINQUENT CHILDREN'S HEALTH INSURANCE <--
15 PROGRAM PREMIUM BALANCES.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. The act of May 17, 1921 (P.L.682, No.284), known~~ <--
19 ~~as The Insurance Company Law of 1921, is amended by adding a~~
20 ~~section to read:~~

21 ~~Section 2308.1 A. Reimbursement for nonpayment of premiums.~~

22 ~~(a) Application. Notwithstanding section 111 C of the act~~
23 ~~of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, a~~
24 ~~contractor may apply to the department for reimbursement, from~~

1 ~~Federal money received by the Commonwealth through the~~
2 ~~Coronavirus State and Local Fiscal Recovery Fund, for the~~
3 ~~nonpayment of premiums by enrollees during any of the following~~
4 ~~periods:~~

5 ~~(1) From March 1, 2020, to June 30, 2020.~~

6 ~~(2) From July 1, 2020, to June 30, 2021.~~

7 ~~(3) From July 1, 2021, to December 31, 2021.~~

8 ~~(b) Payment. Following application made in accordance with~~
9 ~~subsection (a) and any documentation required by the department~~
10 ~~in support of the application, payment shall be made to the~~
11 ~~contractor for the requested reimbursement.~~

12 ~~Section 2. This act shall take effect in 60 days.~~

13 SECTION 1. SHORT TITLE.

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14 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PAYMENT OF
15 DELINQUENT CHILDREN'S HEALTH INSURANCE PROGRAM PREMIUM BALANCES
16 ACT.

17 SECTION 2. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
19 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "CHILDREN'S HEALTH INSURANCE PROGRAM." THE PROGRAM FOR
22 COMPREHENSIVE HEALTH CARE FOR UNINSURED CHILDREN UNDER ARTICLE
23 XXIII-A OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN AS
24 THE INSURANCE COMPANY LAW OF 1921.

25 "CONTRACTOR." AS DEFINED IN SECTION 2301-A OF THE INSURANCE
26 COMPANY LAW OF 1921.

27 "DEPARTMENT." THE DEPARTMENT OF HUMAN SERVICES OF THE
28 COMMONWEALTH.

29 "ENROLLEE." AN ENROLLEE UNDER ARTICLE XXIII-A OF THE
30 INSURANCE COMPANY LAW OF 1921.

1 SECTION 3. PAYMENT OF DELINQUENT PREMIUM BALANCES.

2 (A) REQUEST.--NOTWITHSTANDING SECTION 111-C OF THE ACT OF
3 APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, A
4 CONTRACTOR MAY SUBMIT A WRITTEN REQUEST TO THE DEPARTMENT FOR
5 PAYMENT OF DELINQUENT CHILDREN'S HEALTH INSURANCE PROGRAM
6 PREMIUM BALANCES OF ENROLLEES FROM FEDERAL MONEY RECEIVED BY THE
7 COMMONWEALTH THROUGH THE CORONAVIRUS STATE FISCAL RECOVERY FUND
8 DURING ANY OF THE FOLLOWING PERIODS:

9 (1) FROM MARCH 1, 2020, TO JUNE 30, 2020.

10 (2) FROM JULY 1, 2020, TO JUNE 30, 2021.

11 (3) FROM JULY 1, 2021, TO DECEMBER 31, 2021.

12 (B) FORMS.--THE DEPARTMENT SHALL DEVELOP A FORM TO BE USED
13 BY A CONTRACTOR REQUESTING PAYMENT UNDER THIS SECTION. THE
14 FOLLOWING APPLY:

15 (1) THE FORM MUST REQUIRE SUFFICIENT INFORMATION FOR THE
16 DEPARTMENT TO VERIFY THE AMOUNT OF THE REQUESTED PAYMENT.

17 (2) IF NECESSARY, THE DEPARTMENT MAY REQUIRE SUPPORTING
18 DOCUMENTATION FROM THE CONTRACTOR.

19 (C) SUBMITTAL.--TO BE ELIGIBLE TO RECEIVE PAYMENT OF
20 DELINQUENT PREMIUM BALANCES UNDER THIS SECTION, THE CONTRACTOR
21 MUST COMPLETE THE FORM UNDER SUBSECTION (B) AND SUBMIT THE FORM
22 TO THE DEPARTMENT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS
23 SECTION IN ADDITION TO ANY OTHER SUPPORTING DOCUMENTATION
24 REQUESTED BY THE DEPARTMENT FOR THE PURPOSE OF VERIFYING THE
25 AMOUNT OF THE REQUESTED PAYMENT.

26 (D) PAYMENT.--TO THE EXTENT THAT MONEY IS AVAILABLE, THE
27 DEPARTMENT SHALL MAKE PAYMENT TO THE CONTRACTOR FOR THE AMOUNT
28 OF DELINQUENT PREMIUM BALANCES VERIFIED BY THE DEPARTMENT IN
29 ACCORDANCE WITH THIS SECTION.

30 (E) CERTIFICATION AND APPROPRIATION.--

1 (1) WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS
2 SECTION, THE DEPARTMENT SHALL CALCULATE THE AGGREGATE AMOUNT
3 OF CONTRACTOR PAYMENT REQUESTS VERIFIED AS ACCURATE AND
4 APPROPRIATE.

5 (2) THE SECRETARY OF THE BUDGET SHALL CERTIFY TO THE
6 GENERAL ASSEMBLY THE CALCULATION UNDER PARAGRAPH (1).

7 (3) MONEY CERTIFIED UNDER PARAGRAPH (2) IS APPROPRIATED
8 TO THE DEPARTMENT FROM THE COVID-19 RESPONSE RESTRICTED
9 ACCOUNT FOR THE PAYMENT OF DELINQUENT PREMIUM BALANCES IN
10 ACCORDANCE WITH THIS ACT.

11 SECTION 4. EFFECTIVE DATE.

12 THIS ACT SHALL TAKE EFFECT IN 30 DAYS.