

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1096 Session of 2022

INTRODUCED BY CAPPELLETTI, FONTANA, SANTARSIERO, BREWSTER, COSTA AND SCHWANK, FEBRUARY 23, 2022

REFERRED TO BANKING AND INSURANCE, FEBRUARY 23, 2022

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 for coverage for anti-obesity treatments; and abrogating a  
 13 regulation.

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 to read:

19 Section 635.8. Coverage for Anti-Obesity Treatments.--(a)  
 20 Notwithstanding any other provision of law, all of the following  
 21 shall be considered compensable items or services under the  
 22 Commonwealth's medical assistance program:

23 (1) Bariatric surgery and related treatments for obesity and

1 morbid obesity when the prescribing physician has issued a  
2 written order stating that treatment is in accordance with the  
3 patient qualifications and treatment standards provided by the  
4 American Society for Metabolic and Bariatric Surgery or the  
5 American College of Surgeons, subject to the following:

6 (i) Related treatment may include, but not be limited to,  
7 preoperative psychological screening and counseling, behavior  
8 modification, weight loss, exercise regimens, nutritional  
9 counseling and postoperative follow-up, overview and counseling  
10 of dietary, exercise and lifestyle changes.

11 (ii) The insured shall be at least eighteen (18) years of  
12 age.

13 (2) An anti-obesity drug when it is included:

14 (i) in the definition of "covered outpatient drug" under  
15 section 1927(k) of the Social Security Act (49 Stat. 620, 42  
16 U.S.C. § 1396r-8(k)) and subject to section 1927(a)(1) of the  
17 Social Security Act (49 Stat. 620, 42 U.S.C. § 1396r-8(a)(1));  
18 and

19 (ii) on the Pennsylvania Medical Assistance Statewide  
20 Preferred Drug List authorized under section 459.1 of the act of  
21 June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

22 (b) Notwithstanding any other provision of law, a health  
23 insurer that issues or renews a health insurance policy  
24 providing benefits for medical or hospital expenses to insureds  
25 residing in this Commonwealth shall provide to the insured under  
26 the health insurance policy coverage for all of the following:

27 (1) Bariatric surgery and related treatments for obesity and  
28 morbid obesity when the prescribing physician has issued a  
29 written order stating that treatment is in accordance with the  
30 patient qualifications and treatment standards provided by the

1 American Society for Metabolic and Bariatric Surgery or the  
2 American College of Surgeons, subject to the following:

3 (i) Related treatment may include, but not be limited to,  
4 preoperative psychological screening and counseling, behavior  
5 modification, weight loss, exercise regimens, nutritional  
6 counseling and postoperative follow-up, overview and counseling  
7 of dietary, exercise and lifestyle changes.

8 (ii) The insured shall be at least eighteen (18) years of  
9 age.

10 (iii) An entity subject to this subsection shall provide the  
11 benefits required under this subsection to the same extent as  
12 for other medically necessary surgical procedures and treatments  
13 under the insured's contract or policy with the entity.

14 (2) An anti-obesity drug approved by the Food and Drug  
15 Administration of the United States Department of Health and  
16 Human Services.

17 (c) As used in this section:

18 (1) "Health insurance policy" means the following:

19 (i) A group or individual health or sickness or accident  
20 insurance policy, subscriber contract or certificate issued by  
21 an entity subject to any one of the following:

22 (A) Section 630 and Article XXIV of this act.

23 (B) The act of December 29, 1972 (P.L.1701, No.364), known  
24 as the "Health Maintenance Organization Act."

25 (C) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
26 corporations) or 63 (relating to professional health services  
27 plan corporations).

28 (ii) The term does not include accident only, fixed  
29 indemnity, limited benefit, credit, dental, vision, specified  
30 disease, Medicare supplement, Civilian Health and Medical

1 Program of the Uniformed Services (CHAMPUS) supplement, long-  
2 term care or disability income, workers' compensation or  
3 automobile medical payment insurance.

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

9 (i) This act.

10 (ii) The "Health Maintenance Organization Act."

11 (iii) 40 Pa.C.S. Ch. 61 or 63.

12 (3) "Insured" means a person on whose behalf an insurer is  
13 obligated to pay covered health care expense benefits or provide  
14 health care services under a health insurance policy. The term  
15 includes:

16 (i) A policyholder, subscriber, certificate holder, member,  
17 dependent or other individual who is eligible to receive health  
18 care services through a health insurance policy.

19 (ii) All individuals named in a health insurance policy  
20 issued by a health insurer.

21 Section 2. The addition of section 635.8 of the act shall  
22 apply to health insurance policies offered, issued or renewed on  
23 or after the effective date of this section.

24 Section 3. The provisions of 55 Pa. Code § 1121.54(1) are  
25 abrogated insofar as they are inconsistent with the addition of  
26 section 635.8(a)(2) of the act.

27 Section 4. This act shall take effect in 60 days.