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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 51 Session of  
2023

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INTRODUCED BY HUGHES, KEARNEY, BOSCOLA, BREWSTER, CAPPELLETTI,  
COLLETT, COMITTA, COSTA, DILLON, FLYNN, FONTANA, HAYWOOD,  
KANE, MILLER, MUTH, SANTARSIERO, SAVAL, SCHWANK, STREET,  
TARTAGLIONE, A. WILLIAMS AND L. WILLIAMS, MAY 11, 2023

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REFERRED TO BANKING AND INSURANCE, MAY 11, 2023

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AN ACT

1 Providing for individual and group health care insurance  
2 coverage protections and for core health benefits; imposing  
3 penalties; and providing for applicability and for  
4 regulations.

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 Health  
9 Insurance Core Benefits Coverage Act.

10 Section 2. Definitions.

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

14 "Commissioner." The Insurance Commissioner of the  
15 Commonwealth.

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

17 "Group health insurance policy." A policy, subscriber  
18 contract, certificate or plan issued by an insurer that provides

1 medical or health care coverage on an annual basis to  
2 individuals who obtain health insurance coverage through a  
3 group.

4 "Health insurance policy." A policy, subscriber contract,  
5 certificate or plan issued by an insurer that provides medical  
6 or health care coverage. The term does not include any of the  
7 following:

8 (1) An accident only policy.

9 (2) A credit only policy.

10 (3) A long-term care or disability income policy.

11 (4) A specified disease policy.

12 (5) A Medicare supplement policy.

13 (6) A fixed indemnity policy.

14 (7) A dental only policy.

15 (8) A vision only policy.

16 (9) A workers' compensation policy.

17 (10) An automobile medical payment policy.

18 (11) A policy under which benefits are provided by the  
19 Federal Government to active or former military personnel and  
20 their dependents.

21 (12) Any other similar policies providing for limited  
22 benefits.

23 "Individual health insurance policy." A policy, subscriber  
24 contract, certificate or plan issued by an insurer that provides  
25 medical or health care coverage on an annual basis to an  
26 individual other than in connection with a group.

27 "Insurer." An entity that offers, issues or renews an  
28 individual or group health insurance policy, contract or plan  
29 that provides medical or health care coverage by a health care  
30 facility or licensed health care provider and that is governed

1 under any of the following:

2 (1) The act of May 17, 1921 (P.L.682, No.284), known as  
3 The Insurance Company Law of 1921, including section 630 and  
4 Article XXIV thereof.

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

7 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
8 corporations).

9 (4) 40 Pa.C.S. Ch. 63 (relating to professional health  
10 services plan corporations).

11 Section 3. Core health benefits.

12 (a) Benefits.--Except as otherwise provided in this section,  
13 an insurer offering, issuing or renewing an individual health  
14 insurance policy or group health insurance policy shall include  
15 health benefits in at least the following general categories and  
16 the items and services covered within the categories:

17 (1) Ambulatory patient services.

18 (2) Emergency services.

19 (3) Hospitalization.

20 (4) Maternity and newborn care.

21 (5) Mental health and substance use disorder services,  
22 including behavioral health treatment.

23 (6) Prescription drugs.

24 (7) Rehabilitative and habilitative services and  
25 devices.

26 (8) Laboratory services.

27 (9) Preventive and wellness services and chronic disease  
28 management.

29 (10) Pediatric services, including oral and vision care.

30 (b) Comprehensiveness.--

1           (1) An individual health insurance policy or group  
2 health insurance policy shall cover health benefits at least  
3 as comprehensive as the health benefits required to be  
4 covered in an individual health insurance policy or a small  
5 group policy first offered or issued in this Commonwealth in  
6 2018.

7           (2) A large group health insurance policy also shall  
8 cover health benefits required to be covered in a large group  
9 policy first offered or issued in this Commonwealth in 2018.

10          (c) Modifications.--The department may add a health benefit  
11 or exempt a health benefit required to be covered under this  
12 section through a regulation promulgated under section 4. In  
13 determining whether to add a health benefit or exempt a health  
14 benefit required to be covered under this section, the  
15 department shall consider all of the following:

16           (1) The balance of the health benefits in the categories  
17 specified under subsection (a) and whether the health  
18 benefits are not unduly weighted toward any category.

19           (2) The health care needs of the diverse segments of the  
20 population, including women, children, individuals with  
21 disabilities and other diverse groups.

22           (3) The potential for discrimination against individuals  
23 because of their age or expected length of life, present or  
24 predicted disability, degree of medical dependency, quality  
25 of life or other health conditions.

26           (4) The accessibility of the health benefits, including  
27 the cost of the health benefits.

28           (5) Changes in medical evidence or scientific  
29 advancement.

30          (d) Management techniques.--Nothing in this section shall be

1 construed to prevent an insurer from appropriately utilizing  
2 reasonable medical management techniques.

3 Section 4. Regulations.

4 (a) Authority to promulgate.--The department may promulgate  
5 regulations as may be necessary and appropriate to carry out the  
6 provisions of this act.

7 (b) Temporary regulations.--

8 (1) Notwithstanding any other provision of law, in order  
9 to facilitate the prompt implementation of this act, the  
10 department may issue temporary regulations which shall expire  
11 no later than two years following publication of the  
12 temporary regulations in the Pennsylvania Bulletin. The  
13 temporary regulations shall be exempt from the following:

14 (i) Sections 201, 202, 203, 204 and 205 of the act  
15 of July 31, 1968 (P.L.769, No.240), referred to as the  
16 Commonwealth Documents Law.

17 (ii) Section 204(b) of the act of October 15, 1980  
18 (P.L.950, No.164), known as the Commonwealth Attorneys  
19 Act.

20 (iii) The act of June 25, 1982 (P.L.633, No.181),  
21 known as the Regulatory Review Act.

22 (iv) Section 612 of the act of April 9, 1929  
23 (P.L.177, No.175), known as The Administrative Code of  
24 1929.

25 (2) The authority of the department to issue temporary  
26 regulations under this subsection shall expire two years from  
27 the effective date of this section. Regulations adopted after  
28 the two-year period shall be promulgated as provided by  
29 statute.

30 Section 5. Enforcement.

1 (a) General rule.--Upon satisfactory evidence of the  
2 violation of any section of this act by an insurer or any other  
3 person, one or more of the following penalties may be imposed at  
4 the commissioner's discretion:

5 (1) Suspension or revocation of the license of the  
6 offending insurer or other person.

7 (2) Refusal, for a period not to exceed one year, to  
8 issue a new license to the offending insurer or other person.

9 (3) A fine of not more than \$5,000 for each violation of  
10 this act.

11 (4) A fine of not more than \$10,000 for each willful  
12 violation of this act.

13 (b) Limitations.--

14 (1) Fines imposed against an individual insurer under  
15 this act may not exceed \$500,000 in the aggregate during a  
16 single calendar year.

17 (2) Fines imposed against any other person under this  
18 act may not exceed \$100,000 in the aggregate during a single  
19 calendar year.

20 (c) Additional remedies.--The enforcement remedies imposed  
21 under this section are in addition to any other remedies or  
22 penalties that may be imposed under any other applicable law of  
23 this Commonwealth, including:

24 (1) The act of July 22, 1974 (P.L.589, No.205), known as  
25 the Unfair Insurance Practices Act. Violations of this act  
26 shall be deemed to be an unfair method of competition and an  
27 unfair or deceptive act or practice under the Unfair  
28 Insurance Practices Act.

29 (2) The act of December 18, 1996 (P.L.1066, No.159),  
30 known as the Accident and Health Filing Reform Act.

1           (3) The act of June 25, 1997 (P.L.295, No.29), known as  
2 the Pennsylvania Health Care Insurance Portability Act.

3           (d) Administrative procedure.--The administrative provisions  
4 of this section shall be subject to 2 Pa.C.S. Ch. 5 Subch. A  
5 (relating to practice and procedure of Commonwealth agencies).  
6 A party against whom penalties are assessed in an administrative  
7 action may appeal to Commonwealth Court as provided in 2 Pa.C.S.  
8 Ch. 7 Subch. A (relating to judicial review of Commonwealth  
9 agency action).

10 Section 6. Applicability.

11 This act shall apply as follows:

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

16           (2) For health insurance policies for which neither  
17 rates nor forms are required to be filed with the department,  
18 this act shall apply to any policy issued or renewed on or  
19 after 180 days after the effective date of this section.

20 Section 7. Repeals.

21 All acts and parts of acts are repealed insofar as they are  
22 inconsistent with this act.

23 Section 8. Effective date.

24 This act shall take effect immediately.