

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 294 Session of 2023

INTRODUCED BY KEARNEY, SANTARSIERO, HAYWOOD, FONTANA, COSTA,
DILLON, CAPPELLETTI, TARTAGLIONE AND KANE, JANUARY 31, 2023

REFERRED TO BANKING AND INSURANCE, JANUARY 31, 2023

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 eating disorder treatment.

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

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

18 Section 635.9. Coverage for Eating Disorder Treatment.--(a)
19 Notwithstanding any provision of law to the contrary, all health
20 insurance policies shall provide coverage for treatment of
21 eating disorders, which shall include inpatient hospitalization,
22 partial hospitalization, residential treatment, intensive
23 outpatient treatment, follow up outpatient care, counseling,

medical nutrition therapy and nutrition therapy services
provided by a licensed treating physician, psychologist,
psychiatrist, professional counselor, clinical social worker,
marriage and family therapist or licensed dietitian-nutritionist
in accordance with a treatment plan. Medical necessity
determinations and care management for the treatment of eating
disorders:

(1) shall consider the overall medical and mental health
needs of the individual with an eating disorder;

(2) may not be based solely on weight; and

(3) shall take into consideration the Diagnostic and
Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) for
the treatment of patients with eating disorders and the current
standards based upon the medical literature generally recognized
as authoritative in the medical community.

(b) A health insurance policy and an insurer may not:

(1) deny to an individual eligibility, or continued
eligibility, to enroll or to renew coverage under the terms of
the health insurance policy solely for the purpose of avoiding
the requirement of this section;

(2) provide monetary payments, rebates or other benefits to
an individual to encourage the individual to accept less than
the minimum protections available under this section;

(3) penalize or otherwise reduce or limit the reimbursement
of a provider because the provider provided care to an
individual participant or beneficiary in accordance with this
section;

(4) provide incentives, monetary or otherwise, to a provider
to induce the provider to provide care to an individual
participant or beneficiary in a manner inconsistent with this

section; or

(5) deny to an individual participant or beneficiary
continued eligibility to enroll or to renew coverage under the
terms of the policy solely because the individual was previously
found to have an eating disorder or to have received treatment
for an eating disorder.

(c) Nothing in this section may be construed as preventing a
health insurance policy from imposing deductibles, coinsurance
or other cost-sharing in relation to treatment for eating
disorders, except that the deductibles, coinsurance or other
cost-sharing may not be greater than the deductibles,
coinsurance or other cost-sharing imposed on other comparable
coverages for medical or surgical services under the policy.

(d) The following words and phrases shall have the meanings
given to them in this subsection unless the context clearly
indicates otherwise:

"Clinical social worker." A licensed clinical social worker
as defined in section 3 of the act of July 9, 1987 (P.L.220,
No.39), known as the "Social Workers, Marriage and Family
Therapists and Professional Counselors Act."

"Eating disorder." Anorexia nervosa, bulimia nervosa,
avoidant/restrictive food intake disorder, binge-eating
disorder, pica, rumination disorder and other specified feeding
or eating disorders.

"Health insurance policy." As follows:

(1) An individual or group health, sickness or accident
policy, subscriber contract or certificate offered, issued or
renewed by an entity subject to one of the following:

(i) This act.

(ii) The act of December 29, 1972 (P.L.1701, No.364), known

1 as the "Health Maintenance Organization Act."

2 (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
3 corporations) or 63 (relating to professional health services
4 plan corporations).

5 (2) The term does not include accident only, fixed
6 indemnity, limited benefit, credit, dental, vision, specified
7 disease, Medicare supplement, Civilian Health and Medical
8 Program of the Uniformed Services (CHAMPUS) supplement, long-
9 term care or disability income, workers' compensation or
10 automobile medical payment insurance.

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

15 "Insurer." An entity offering a health insurance policy.

16 "Licensed dietitian-nutritionist." As defined in section 2
17 of the act of May 22, 1951 (P.L.317, No.69), known as "The
18 Professional Nursing Law."

19 "Marriage and family therapist." A licensed marriage and
20 family therapist as defined in section 3 of the "Social Workers,
21 Marriage and Family Therapists and Professional Counselors Act."

22 "Medical nutrition therapy." As defined in section 2 of "The
23 Professional Nursing Law."

24 "Nutrition therapy services." As defined in section 2 of
25 "The Professional Nursing Law."

26 "Physician." As defined in section 2 of the act of December
27 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
28 of 1985."

29 "Professional counselor." A licensed professional counselor
30 as defined in section 3 of the "Social Workers, Marriage and

1 Family Therapists and Professional Counselors Act."

2 "Psychiatrist." As defined in section 102 of the act of
3 October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the
4 "Mental Health and Intellectual Disability Act of 1966."

5 "Psychologist." A person licensed to practice psychology
6 under the act of March 23, 1972 (P.L.136, No.52), known as the
7 "Professional Psychologists Practice Act."

8 Section 2. The addition of section 635.9 of the act applies
9 as follows:

10 (1) For health insurance policies for which either rates
11 or forms are required to be filed with the Insurance
12 Department or the Federal Government, section 635.9 of the
13 act shall apply to any such policy for which a form or rate
14 is first filed on or after the effective date of this
15 section.

16 (2) For health insurance policies for which neither
17 rates nor forms are required to be filed with the Insurance
18 Department or the Federal Government, section 635.9 of the
19 act shall apply to any such policy issued or renewed on or
20 after 180 days after the effective date of this section.

21 Section 3. This act shall take effect in 60 days.