

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 714 Session of 2017

INTRODUCED BY MURT, BRIGGS, CALTAGIRONE, DAY, DRISCOLL, ENGLISH, HENNESSEY, KORTZ, McNEILL, MILLARD, NEILSON, O'BRIEN, PICKETT, READSHAW, ROZZI, SCHWEYER AND WATSON, MARCH 6, 2017

REFERRED TO COMMITTEE ON INSURANCE, MARCH 6, 2017

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 acquired brain injury disclosure.

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 635.8. Acquired Brain Injury Disclosure.--(a) Upon
 19 request, an insurer shall supply each insured individual,
 20 prospective insured individual, enrollee and prospective
 21 enrollee with the following written information which is easily
 22 understandable to a layperson:

1 (1) A description of coverage which includes, but is not
2 limited to, the following:

3 (i) Behavioral optometry or vision therapy.

4 (ii) Case management.

5 (iii) Cognitive communication therapy.

6 (iv) Cognitive rehabilitation therapy.

7 (v) Cognitive remediation.

8 (vi) Community integration therapy.

9 (vii) Family education and counseling.

10 (viii) Hyperbaric oxygen therapy.

11 (ix) Neurobehavioral testing.

12 (x) Evaluation and treatment.

13 (xi) Neurocognitive therapy and rehabilitation.

14 (xii) Neuropsychological testing, evaluation and treatment.

15 (xiii) Neuropsychiatric evaluation and treatment.

16 (xiv) Neurofeedback therapy.

17 (xv) Occupational therapy.

18 (xvi) Physical therapy.

19 (xvii) Post-acute transition services.

20 (xviii) Speech and language therapy.

21 (xix) Vision biofeedback.

22 (xx) Residential rehabilitation services.

23 (xxi) Full-day and part-day rehabilitation programs.

24 (2) A description of coverage, benefits and benefit maximums
25 related to an acquired brain injury treatment and
26 rehabilitation, including benefit limitations and exclusions of
27 coverage, health care services and the definition of medical
28 necessity used by the plan in determining whether these benefits
29 will be covered.

30 (3) A description of all necessary prior authorizations.

1 (4) A description of an insurer's personnel responsible for
2 case management and prior authorizations of an insured or
3 enrollee with an acquired brain injury.

4 (5) Other information as may be required by the department.

5 (b) The department, in consultation with the Department of
6 Health's Traumatic Brain Injury Advisory Board, shall promulgate
7 regulations concerning the specific contents and wording of the
8 notice required under this section.

9 (c) For purposes of this section, the following words and
10 phrases shall have the meanings given to them in this subsection
11 unless the context clearly indicates otherwise:

12 "Acquired brain injury" means the cognitive, intellectual,
13 emotional, behavioral and physical effects of a traumatic or
14 nontraumatic injury to the brain. The term does not include
15 inherited, congenital or degenerative conditions.

16 "Department" means the Insurance Department of the
17 Commonwealth.

18 "Health insurance policy" means as follows:

19 (1) Any group health, sickness or accident policy or
20 subscriber contract or certificate issued by an entity subject
21 to any of the following:

22 (i) This act.

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

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

28 (2) The term does not include the following types of
29 insurance or any combination of the following types of
30 insurance:

- 1 (i) Accident only.
2 (ii) Fixed indemnity.
3 (iii) Limited benefit.
4 (iv) Credit.
5 (v) Dental.
6 (vi) Vision.
7 (vii) Specified disease.
8 (viii) Medicare supplement.
9 (ix) CHAMPUS (Civilian Health and Medical Program of the
10 Uniformed Services) supplement.
11 (x) Long-term care or disability income.
12 (xi) Workers' compensation.
13 (xii) Automobile medical payment.
14 "Insurer" means any entity that issues an individual or group
15 health insurance policy, contract or plan described under the
16 definition of health insurance policy.

17 Section 2. This act shall take effect in 60 days.