
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1098 Session of
2022

INTRODUCED BY KEARNEY, SANTARSIERO, FONTANA, STREET, MUTH,
CAPPELLETTI, TARTAGLIONE, COSTA, KANE, COMMITTA AND HAYWOOD,
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 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 635.8. Coverage for Eating Disorder Treatment.--(a)
19 Notwithstanding any provision of law to the contrary, all health
20 insurance policies as defined in this section shall provide
21 coverage for treatment of eating disorders, which shall include
22 inpatient hospitalization, partial hospitalization, residential

1 treatment, intensive outpatient treatment, follow up outpatient
2 care, counseling, medical nutrition therapy and nutrition
3 therapy services provided by a licensed treating physician,
4 psychologist, psychiatrist, professional counselor, clinical
5 social worker, marriage and family therapist or licensed
6 dietician-nutritionist in accordance with a treatment plan.
7 Medical necessity determinations and care management for the
8 treatment of eating disorders:

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

11 (2) shall not be based solely on weight; and

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

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

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

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

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

29 (4) provide incentives, monetary or otherwise, to a provider
30 to induce the provider to provide care to an individual

1 participant or beneficiary in a manner inconsistent with this
2 section; or

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

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

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

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

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

26 "Health insurance policy." Any individual or group health,
27 sickness or accident policy, subscriber contract or certificate
28 offered, issued or renewed by an entity subject to one of the
29 following:

30 (1) This act.

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

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

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

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

16 "Insurer." Any entity offering a health insurance policy as
17 defined in this section.

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

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

24 "Medical nutrition therapy." As defined in section 2 of "The
25 Professional Nursing Law."

26 "Nutrition therapy services." As defined in section 2 of
27 "The Professional Nursing Law."

28 "Physician." As defined in section 2 of the act of December
29 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
30 of 1985."

1 "Professional counselor." A licensed professional counselor
2 as defined in section 3 of the "Social Workers, Marriage and
3 Family Therapists and Professional Counselors Act."

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

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

10 Section 2. The addition of section 635.8 of the act applies
11 as follows:

12 (1) For health insurance policies for which either rates
13 or forms are required to be filed with the Insurance
14 Department or the Federal Government, section 635.8 of the
15 act shall apply to any such policy for which a form or rate
16 is first filed on or after the effective date of this
17 section.

18 (2) For health insurance policies for which neither
19 rates nor forms are required to be filed with the Insurance
20 Department or the Federal Government, section 635.8 of the
21 act shall apply to any such policy issued or renewed on or
22 after 180 days after the effective date of this section.

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