

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1330 Session of 2022

INTRODUCED BY K. WARD, MENSCH, COLLETT, PHILLIPS-HILL, BROOKS, TARTAGLIONE, SCHWANK, VOGEL, STEFANO, DILLON, COMITTA, ARGALL, GEBHARD, CAPPELLETTI, SANTARSIERO, HUTCHINSON, ROBINSON, YUDICHAK, BARTOLOTTA, LANGERHOLC, COSTA, BOSCOLA, KEARNEY, CORMAN, MUTH, YAW, HUGHES, MASTRIANO, STREET, KANE, L. WILLIAMS, BREWSTER AND DISANTO, SEPTEMBER 15, 2022

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 18, 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 BRCA-related genetic counseling and testing.

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 633.1. Coverage for BRCA related Genetic Counseling <--~~
19 ~~and Testing. (a) Any group or individual health, sickness or~~
20 ~~accident insurance policy providing hospital or medical/surgical~~
21 ~~coverage, group or individual subscriber contract or certificate~~

1 ~~issued by an entity subject to 40 Pa.C.S. Ch. 61 (relating to~~
2 ~~hospital plan corporations) or 63 (relating to professional~~
3 ~~health services plan corporations), the act of December 29, 1972~~
4 ~~(P.L.1701, No.364), known as the "Health Maintenance~~
5 ~~Organization Act" or this act or an employe welfare benefit plan~~
6 ~~as defined in section 3 of the Employee Retirement Income~~
7 ~~Security Act of 1974 (Public Law 93 406, 29 U.S.C. § 1001 et~~
8 ~~seq.) providing hospital or medical/surgical coverage shall also~~
9 ~~provide coverage for BRCA related genetic counseling and~~
10 ~~testing. The minimum coverage required shall include all costs~~
11 ~~associated with genetic counseling and, if indicated after~~
12 ~~genetic counseling, genetic testing for individuals believed to~~
13 ~~be at an increased risk, based on a clinical risk assessment~~
14 ~~tool, of potentially harmful mutations in the BRCA1 or BRCA2~~
15 ~~genes due to personal or family history of breast or ovarian~~
16 ~~cancer.~~

17 ~~(b) This section shall not apply to the following types of~~
18 ~~policies:~~

19 ~~(1) Accident only.~~

20 ~~(2) Limited benefit.~~

21 ~~(3) Credit.~~

22 ~~(4) Dental.~~

23 ~~(5) Vision.~~

24 ~~(6) Specified disease.~~

25 ~~(7) Medicare supplement.~~

26 ~~(8) Civilian Health and Medical Program of the Uniformed~~
27 ~~Services (CHAMPUS) supplement.~~

28 ~~(9) Long term care or disability income.~~

29 ~~(10) Workers' compensation.~~

30 ~~(11) Automobile medical payment.~~

1 ~~(12) Fixed indemnity.~~

2 ~~(13) Hospital indemnity.~~

3 SECTION 633.1. COVERAGE FOR BRCA-RELATED GENETIC COUNSELING <--

4 AND TESTING.--(A) A HEALTH INSURANCE POLICY OFFERED, ISSUED OR

5 RENEWED IN THIS COMMONWEALTH SHALL PROVIDE COVERAGE FOR BRCA-

6 RELATED GENETIC COUNSELING AND GENETIC TESTING PROVIDED BY AN

7 INDIVIDUAL LICENSED, CERTIFIED OR OTHERWISE REGULATED TO PROVIDE

8 GENETIC COUNSELING AND GENETIC TESTING UNDER THE LAWS OF THIS

9 COMMONWEALTH. THE MINIMUM COVERAGE REQUIRED SHALL INCLUDE ALL

10 COSTS ASSOCIATED WITH GENETIC COUNSELING AND, IF INDICATED AFTER

11 GENETIC COUNSELING, A GENETIC LABORATORY TEST OF THE BRCA1 AND

12 BRCA2 GENES FOR INDIVIDUALS ASSESSED TO BE AT AN INCREASED RISK,

13 BASED ON A CLINICAL RISK ASSESSMENT TOOL, OF POTENTIALLY HARMFUL

14 MUTATIONS IN THE BRCA1 OR BRCA2 GENES DUE TO A PERSONAL OR

15 FAMILY HISTORY OF BREAST OR OVARIAN CANCER.

16 (B) AS USED IN THIS SECTION:

17 "GENETIC COUNSELING" MEANS THE PROVISION OF SERVICES TO

18 INDIVIDUALS, COUPLES, FAMILIES AND ORGANIZATIONS BY ONE OR MORE

19 APPROPRIATELY TRAINED INDIVIDUALS TO ADDRESS THE PHYSICAL AND

20 PSYCHOLOGICAL ISSUES ASSOCIATED WITH THE OCCURRENCE OR RISK OF

21 OCCURRENCE OF A GENETIC DISORDER, BIRTH DEFECT OR GENETICALLY

22 INFLUENCED CONDITION OR DISEASE IN AN INDIVIDUAL OR A FAMILY.

23 "HEALTH INSURANCE POLICY" MEANS AN INDIVIDUAL OR GROUP

24 INSURANCE POLICY, SUBSCRIBER CONTRACT, CERTIFICATE OR PLAN

25 ISSUED BY AN INSURER THAT PROVIDES MEDICAL OR HEALTH CARE

26 COVERAGE, INCLUDING EMERGENCY SERVICES. THE TERM DOES NOT

27 INCLUDE ANY OF THE FOLLOWING:

28 (1) AN ACCIDENT ONLY POLICY.

29 (2) A CREDIT ONLY POLICY.

30 (3) A LONG-TERM CARE OR DISABILITY INCOME POLICY.

- 1 (4) A SPECIFIED DISEASE POLICY.
2 (5) A MEDICARE SUPPLEMENT POLICY.
3 (6) A FIXED INDEMNITY POLICY.
4 (7) A HOSPITAL INDEMNITY POLICY.
5 (8) AN ADULT-ONLY DENTAL ONLY POLICY.
6 (9) A VISION ONLY POLICY.
7 (10) A WORKER'S COMPENSATION POLICY.
8 (11) AN AUTOMOBILE MEDICAL PAYMENT POLICY.
9 (12) A TRICARE POLICY, INCLUDING A CIVILIAN HEALTH AND
10 MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS) SUPPLEMENT
11 POLICY.
12 (13) ANY OTHER SIMILAR POLICY PROVIDING FOR LIMITED
13 BENEFITS.

14 "INSURER" MEANS AN ENTITY LICENSED BY THE INSURANCE
15 DEPARTMENT WITH ACCIDENT AND HEALTH AUTHORITY TO ISSUE A HEALTH
16 INSURANCE POLICY THAT IS OFFERED OR GOVERNED UNDER ANY OF THE
17 FOLLOWING:

- 18 (1) THIS ACT, INCLUDING SECTION 630 AND ARTICLE XXIV.
19 (2) THE ACT OF DECEMBER 29, 1972 (P.L.1701, NO.364), KNOWN
20 AS THE "HEALTH MAINTENANCE ORGANIZATION ACT."
21 (3) 40 PA.C.S. CH. 61 (RELATING TO HOSPITAL PLAN
22 CORPORATIONS) OR 63 (RELATING TO PROFESSIONAL HEALTH SERVICES
23 PLAN CORPORATIONS).

24 Section 2. This act shall apply as follows:

25 (1) For health insurance policies for which either rates
26 or forms are required to be filed with the Federal Government
27 or the Insurance Department, this act shall apply to any
28 policy for which a form or rate is first filed on or after
29 the effective date of this section.

30 (2) For health insurance policies for which neither

1 rates nor forms are required to be filed with the Federal
2 Government or the Insurance Department, this act shall apply
3 to any policy issued or renewed on or after 180 days after
4 the effective date of this section.

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