
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 51 Session of
2021

INTRODUCED BY HUGHES, KEARNEY, BLAKE, BOSCOLA, BREWSTER,
CAPPELLETTI, COLLETT, COMITTA, COSTA, FONTANA, HAYWOOD, KANE,
MUTH, SABATINA, SANTARSIERO, SAVAL, SCHWANK, STREET,
TARTAGLIONE, A. WILLIAMS AND L. WILLIAMS, JANUARY 28, 2021

REFERRED TO BANKING AND INSURANCE, JANUARY 28, 2021

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 act.

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 act.

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.