
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1050 Session of
2023

INTRODUCED BY BOYLE, MADDEN, VENKAT, KHAN, HOHENSTEIN, WAXMAN,
SANCHEZ, BOROWSKI, PARKER, HILL-EVANS, KRAJEWSKI, KINSEY,
YOUNG, STURLA, SHUSTERMAN, HOWARD AND WARREN, APRIL 28, 2023

REFERRED TO COMMITTEE ON INSURANCE, APRIL 28, 2023

AN ACT

1 Providing for health care insurance preventive services coverage
2 protections; conferring authority on the Insurance Department
3 and the Insurance Commissioner; and providing for
4 regulations, for enforcement and for penalties.

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 Preventive Services 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 "Cost sharing." The share of health care costs covered by an
17 insurance policy that an enrollee pays out-of-pocket. The term
18 includes deductibles, coinsurance, copayments and similar

1 charges. The term does not include premium, a balance billed
2 amount from an out-of-network provider or the cost of a
3 noncovered service.

4 "Department." The Insurance Department of the Commonwealth.

5 "Enrollee." A policyholder, subscriber, covered person or
6 other individual who is entitled to receive health care services
7 under a health insurance policy.

8 "Group health insurance policy." A policy, subscriber
9 contract, certificate or plan issued by an insurer that provides
10 medical or health care coverage on an annual basis to
11 individuals who obtain health insurance coverage through a
12 group.

13 "Health insurance policy." A policy, subscriber contract,
14 certificate or plan issued by an insurer that provides medical
15 or health care coverage. The term does not include any of the
16 following:

- 17 (1) An accident only policy.
- 18 (2) A credit only policy.
- 19 (3) A long-term care or disability income policy.
- 20 (4) A specified disease policy.
- 21 (5) A Medicare supplement policy.
- 22 (6) A fixed indemnity policy.
- 23 (7) A dental only policy.
- 24 (8) A vision only policy.
- 25 (9) A workers' compensation policy.
- 26 (10) An automobile medical payment policy.
- 27 (11) A policy under which benefits are provided by the
28 Federal Government to active or former military personnel and
29 their dependents.
- 30 (12) A hospital indemnity policy.

1 (13) Any other similar policy providing for limited
2 benefits.

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

7 "Insurer." An entity that offers, issues or renews an
8 individual or group health insurance policy that provides
9 medical or health care coverage by a health care facility or
10 licensed health care provider and that is governed under any of
11 the following:

12 (1) The act of May 17, 1921 (P.L.682, No.284), known as
13 The Insurance Company Law of 1921, including section 630 and
14 Article XXIV of The Insurance Company Law of 1921.

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

17 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
18 corporations).

19 (4) 40 Pa.C.S. Ch. 63 (relating to professional health
20 services plan corporations).

21 "Out-of-network provider." A provider who does not contract
22 with an insurer to provide health care services to an enrollee
23 under a health insurance policy.

24 Section 3. Preventive services coverage.

25 (a) Requirements.--An insurer offering, issuing or renewing
26 an individual health insurance policy or group health insurance
27 policy shall, at a minimum, provide coverage and not impose any
28 cost-sharing requirements for preventive services at least as
29 comprehensive in scope as the preventive services required to be
30 provided in an individual health insurance policy or group

1 health insurance policy first offered or issued in this
2 Commonwealth in 2022.

3 (b) Modification of preventive services.--The department may
4 promulgate regulations to add or exempt one or more services
5 from the services required to be covered without cost sharing
6 under this section. In considering an addition or exemption, the
7 department will take into account the following:

8 (1) The health care needs of diverse segments of the
9 population, including women, children, persons with
10 disabilities and other groups.

11 (2) The accessibility, including cost, of preventive
12 services.

13 (3) Changes in medical evidence or scientific
14 advancement, including those identified as:

15 (i) Evidence-based items or services that have in
16 effect a rating of "A" or "B" by the United States
17 Preventive Services Task Force.

18 (ii) Recommended immunizations by the Advisory
19 Committee on Immunization Practices of the Centers for
20 Disease Control and Prevention.

21 (iii) Evidence-informed preventive care and
22 screenings provided for in the comprehensive guidelines
23 supported by the Health Resources and Services
24 Administration.

25 (4) The potential for discrimination against individuals
26 because of their age or expected length of life, present or
27 predicted disability, degree of medical dependency, quality
28 of life or other health conditions.

29 (c) Construction.--Nothing in this section shall be
30 construed:

1 (1) To prohibit an insurer from providing coverage for
2 preventive services in addition to those designated under
3 this act.

4 (2) To prohibit an insurer to deny coverage for
5 preventive services not designated under this act.

6 (3) To prevent an insurer from utilizing value-based
7 insurance designs.

8 (4) To diminish any other law that limits cost sharing
9 for a health care service.

10 Section 4. Regulations.

11 (a) Authority to promulgate.--The department may promulgate
12 regulations as may be necessary and appropriate to carry out the
13 provisions of this act.

14 (b) Temporary regulations.--

15 (1) Notwithstanding any other provision of law, in order
16 to facilitate the prompt implementation of this act, the
17 department may issue temporary regulations which shall expire
18 no later than two years following publication of the
19 temporary regulations in the Pennsylvania Bulletin. The
20 temporary regulations shall be exempt from the following:

21 (i) Section 612 of the act of April 9, 1929
22 (P.L.177, No.175), known as The Administrative Code of
23 1929.

24 (ii) Sections 201, 202, 203, 204 and 205 of the act
25 of July 31, 1968 (P.L.769, No.240), referred to as the
26 Commonwealth Documents Law.

27 (iii) Sections 204(b) and 301(10) of the act of
28 October 15, 1980 (P.L.950, No.164), known as the
29 Commonwealth Attorneys Act.

30 (iv) The act of June 25, 1982 (P.L.633, No.181),

1 known as the Regulatory Review Act.

2 (2) The authority of the department to issue temporary
3 regulations under this subsection shall expire two years from
4 the effective date of this subsection. Regulations adopted
5 after the two-year period shall be promulgated as provided by
6 statute.

7 Section 5. Enforcement.

8 (a) General rule.--Upon satisfactory evidence of the
9 violation of any section of this act by an insurer or any other
10 person, one or more of the following penalties may be imposed at
11 the commissioner's discretion:

12 (1) Suspension or revocation of the license of the
13 offending insurer or other person.

14 (2) Refusal, for a period not to exceed one year, to
15 issue a new license to the offending insurer or other person.

16 (3) A fine of not more than \$5,000 for each violation of
17 this act.

18 (4) A fine of not more than \$10,000 for each willful
19 violation of this act.

20 (b) Limitations.--

21 (1) Fines imposed against an individual insurer under
22 this act may not exceed \$500,000 in the aggregate during a
23 single calendar year.

24 (2) Fines imposed against any other person under this
25 act may not exceed \$100,000 in the aggregate during a single
26 calendar year.

27 (c) Additional remedies.--The enforcement remedies imposed
28 under this subsection are in addition to any other remedies or
29 penalties that may be imposed under any other applicable law of
30 this Commonwealth, including:

1 (1) The act of July 22, 1974 (P.L.589, No.205), known as
2 the Unfair Insurance Practices Act. Violations of this act
3 shall be deemed to be an unfair method of competition and an
4 unfair or deceptive act or practice under the Unfair
5 Insurance Practices Act.

6 (2) The act of December 18, 1996 (P.L.1066, No.159),
7 known as the Accident and Health Filing Reform Act.

8 (3) The act of June 25, 1997 (P.L.295, No.29), known as
9 the Pennsylvania Health Care Insurance Portability Act.

10 (d) Administrative procedure.--The administrative provisions
11 of this section shall be subject to 2 Pa.C.S. Ch. 5 Subch. A
12 (relating to practice and procedure of Commonwealth agencies). A
13 party against whom penalties are assessed in an administrative
14 action may appeal to Commonwealth Court as provided in 2 Pa.C.S.
15 Ch. 7 Subch. A (relating to judicial review of Commonwealth
16 agency action).

17 Section 6. Repeals.

18 All acts and parts of acts are repealed insofar as they are
19 inconsistent with this act.

20 Section 7. Applicability.

21 This act shall apply as follows:

22 (1) For health insurance policies for which either rates
23 or forms are required to be filed with the department, this
24 act shall apply to any policy for which a form or rate is
25 first filed on or after the effective date of this section.

26 (2) For health insurance policies for which neither
27 rates nor forms are required to be filed with the department,
28 this act shall apply to any policy issued or renewed on or
29 after 180 days after the effective date of this section.

30 Section 8. Effective date.

1 This act shall take effect immediately.