

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1075 Session of 2023

INTRODUCED BY CURRY, D. MILLER, KINSEY, SANCHEZ, GUENST, HILL-  
 EVANS, SCHLOSSBERG, KENYATTA, HOHENSTEIN, PARKER, MADDEN,  
 FIEDLER, FLEMING, KINKEAD, KIM, KRAJEWSKI, FREEMAN,  
 N. NELSON, KHAN, YOUNG, SHUSTERMAN, O'MARA, BULLOCK AND  
 BOROWSKI, MAY 2, 2023

REFERRED TO COMMITTEE ON HEALTH, MAY 2, 2023

AN ACT

1 Amending the act of July 2, 1996 (P.L.514, No.85), entitled "An  
 2 act providing for certain health insurance benefits to aid  
 3 the health and well-being of mother and child following the  
 4 birth of a child; and prohibiting certain practices by  
 5 insurers," further providing for definitions and for  
 6 postpartum coverage standards; providing for provisions  
 7 relating to involuntary discharge; and imposing duties on the  
 8 Department of Human Services.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The definition of "health insurance policy" in  
 12 section 2 of the act of July 2, 1996 (P.L.514, No.85), known as  
 13 the Health Security Act, is amended and the section is amended  
 14 by adding definitions to read:

15 \* \* \*

16 "Government program." A program of government-sponsored or  
 17 subsidized health care coverage, including:

18 (1) The children's health insurance program established  
 19 under Article XXIII-A of the act of May 17, 1921 (P.L.682,

1 No.284), known as The Insurance Company Law of 1921.

2 (2) The medical assistance program established under the  
3 act of June 13, 1967 (P.L.31, No.21), known as the Human  
4 Services Code.

5 "Health insurance policy." Any individual or group health  
6 insurance policy, contract or plan which provides medical or  
7 health care coverage by any health care facility or licensed  
8 health care provider on an expense-incurred service or prepaid  
9 basis and which is offered by or is governed under any of the  
10 following:

11 [Act of May 17, 1921 (P.L.682, No.284), known as] The  
12 Insurance Company Law of 1921.

13 Subarticle (f) of Article IV of the [act of June 13, 1967  
14 (P.L.31, No.21), known as the Public Welfare Code] Human  
15 Services Code.

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

18 Act of May 18, 1976 (P.L.123, No.54), known as the  
19 Individual Accident and Sickness Insurance Minimum Standards  
20 Act.

21 Act of December 14, 1992 (P.L.835, No.134), known as the  
22 Fraternal Benefit Societies Code.

23 A nonprofit corporation subject to 40 Pa.C.S. Chs. 61  
24 (relating to hospital plan corporations) and 63 (relating to  
25 professional health services plan corporations).

26 \* \* \*

27 "Observation status." A medical code providing for  
28 monitoring and assessment of a patient's medical condition by  
29 trained and certified medical staff in a hospital or care  
30 setting at a lower level of care and lower rate of billing than

1 acute care.

2 Section 2. Section 3 of the act is amended by adding a  
3 subsection to read:

4 Section 3. Postpartum coverage standards.

5 \* \* \*

6 (b.1) Elective postpartum observation and care.--

7 (1) Consistent with Federal law, every health insurance  
8 policy that provides maternity benefits and is delivered,  
9 issued, executed or renewed in this Commonwealth on or after  
10 January 1, 2024, shall provide additional coverage for  
11 elective postpartum observation and care for a minimum of 24  
12 hours following the 48 hours or 96 hours of inpatient care  
13 specified in subsection (a), at the hospital, birthing center  
14 or other medical facility in which the mother gave birth.

15 (2) Postpartum counseling services or other child care  
16 information may be provided during the elective postpartum  
17 observation and care period in addition to any other  
18 medically required care to the mother or newborn.

19 (3) The Department of Human Services shall apply for a  
20 waiver designation to provide for coverage through government  
21 programs for the additional 24 hours of elective postpartum  
22 observation and care.

23 \* \* \*

24 Section 3. The act is amended by adding a section to read:

25 Section 3.1. Involuntary discharge.

26 (a) Time period.--A hospital, birthing center or other  
27 medical facility may not involuntarily discharge a postpartum  
28 patient or newborn between the hours of 10 p.m. and 8 a.m.

29 (b) Billing.--A postpartum patient who refuses discharge  
30 between the hours of 10 p.m. and 8 a.m. may be billed under

1 observation status during the period that the postpartum patient  
2 remains in the hospital, birthing center or other medical  
3 facility and shall receive a level of medical care consistent  
4 with the observation status during that time.

5 Section 4. This act shall take effect in 60 days.