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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1343 Session of  
2023

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INTRODUCED BY B. MILLER, NEILSON, CIRESI, FREEMAN, ROWE,  
ZIMMERMAN, KIM AND LEADBETER, JUNE 9, 2023

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REFERRED TO COMMITTEE ON INSURANCE, JUNE 9, 2023

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AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated  
2 Statutes, in regulation of insurers and related persons  
3 generally, providing for notification requirements for older  
4 adult health insurance policies.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 40 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 45

10 NOTIFICATION REQUIREMENTS FOR

11 OLDER ADULT HEALTH INSURANCE POLICIES

12 Sec.

13 4501. Definitions.

14 4502. Power of attorney notification.

15 § 4501. Definitions.

16 The following words and phrases when used in this chapter  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 "Agent." A person designated by a principal, who is an older

1 adult, in a power of attorney to act on behalf of the principal.

2 "Health insurance policy." As defined in section 4001  
3 (relating to definitions).

4 "Older adult." An individual who is 60 years of age or older  
5 and who is a resident of this Commonwealth upon enrollment in a  
6 health insurance policy.

7 § 4502. Power of attorney notification.

8 (a) Duties of insurer.--An insurer shall:

9 (1) If an older adult is enrolling in a health insurance  
10 policy, ask the older adult if the older adult has a power of  
11 attorney which provides for health care decision making and  
12 request that the older adult provide the name and contact  
13 information of the agent under the power of attorney.

14 (2) Inform the older adult that the purpose of  
15 collecting the information under paragraph (1) is to provide  
16 the agent with notification of the older adult enrolling in  
17 or canceling a health insurance policy.

18 (3) If the insurer has an agent on file for an older  
19 adult, notify the agent in writing if the older adult enrolls  
20 in or cancels a health insurance policy and send a copy of  
21 the notification to the older adult. The notification shall  
22 inform the older adult of the rescission period under  
23 subsection (b) and the effect of invoking the right of  
24 rescission.

25 (b) Rescission period.--If an agent is notified as provided  
26 under subsection (a), the older adult has the right, within 30  
27 days, to rescind enrollment in or cancellation of the health  
28 insurance policy without penalty.

29 (c) Revocation of power of attorney.--If an older adult  
30 revokes a power of attorney and notifies the insurer of the

1 revocation, the duties of the insurer under subsection (a) shall  
2 not apply.

3 (d) Defense.--Good faith reliance on the information  
4 provided by an older adult shall be a complete defense to any  
5 civil or criminal action brought against an insurer based on  
6 actions taken by the insurer under this section.

7 Section 2. The addition of 40 Pa.C.S. Ch. 45 shall apply to  
8 enrollments and cancellations of health insurance policies by  
9 older adults that occur after the effective date of this  
10 section.

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