
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 545 Session of
2023

INTRODUCED BY ZIMMERMAN, JAMES, BURGOS, HAMM, STAMBAUGH,
PICKETT, KEEFER, B. MILLER, GREINER AND KAUFER,
MARCH 20, 2023

REFERRED TO COMMITTEE ON INSURANCE, MARCH 20, 2023

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, in regulation of insurers and related persons
3 generally, providing for group market provisions; and
4 imposing penalties.

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 41

10 GROUP MARKET PROVISIONS

11 Subchapter

12 A. Preliminary Provisions

13 B. Procedures

14 C. Miscellaneous Provisions

15 SUBCHAPTER A

16 PRELIMINARY PROVISIONS

17 Sec.

18 4101. Definitions.

1 § 4101. Definitions.

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

5 "Commissioner." The Insurance Commissioner of the
6 Commonwealth.

7 "Insurer." An entity licensed by the department with
8 accident and health authority to issue a policy, subscriber
9 contract, certificate or plan that provides medical or health
10 care coverage, including emergency services, and is offered or
11 governed under any of 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 that act.

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

17 (3) Chapter 61 (relating to hospital plan corporations)
18 or 63 (relating to professional health services plan
19 corporations).

20 SUBCHAPTER B

21 PROCEDURES

22 Sec.

23 4111. Furnishing claims experience data to policyholders.

24 § 4111. Furnishing claims experience data to policyholders.

25 (a) Requirement.--Subject to the other provisions of this
26 chapter, each insurer shall furnish claims experience data to
27 group policyholders within 30 days of a group policyholder's
28 request unless the information has been furnished to the group
29 policyholder within the preceding six months.

30 (b) Applicable group size.--Claims experience data shall be

1 furnished for each group of 51 or more covered employees,
2 members or enrollees, not including dependents.

3 (c) Claims experience data defined.--For purposes of this
4 chapter, claims experience data includes, for at least the last
5 two policy years, if applicable, separated by policy year, the
6 aggregated dollar value of each of the following:

7 (1) Earned premiums.

8 (2) Total incurred claims, including paid, reserved and
9 incurred but not reserved claims, inclusive of high amount
10 claims, pooled claims, capitated expenses and noncapitated
11 expenses.

12 (3) Any amounts incurred in excess of the individual
13 pooling or stop-loss point applicable to the group.

14 (4) Any amounts under a provider reimbursement
15 methodology other than fee for service that were allocated to
16 the group or otherwise accounted for in rating the group's
17 policy.

18 (d) Fee permitted.--An insurer may charge a fee for
19 providing the claims experience data to a group policyholder.

20 The fee shall be:

21 (1) Reasonable.

22 (2) Not unfairly discriminatory.

23 (3) In accord with a schedule or methodology filed with
24 the department at least 30 days prior to use, which schedule
25 shall become effective unless disapproved by the department
26 prior to use.

27 (e) Privacy protection.--In providing claims experience data
28 to a group policyholder under this chapter, an insurer shall
29 adhere to all Federal and State laws regarding disclosure of
30 protected health or personal information.

1 under this section are in addition to other remedies or
2 penalties that may be imposed under other applicable law of this
3 Commonwealth, including:

4 (1) The act of July 22, 1974 (P.L.589, No.205), known as
5 the Unfair Insurance Practices Act. Violations of this
6 chapter shall be deemed to be unfair methods of competition
7 and unfair or deceptive acts or practices under the Unfair
8 Insurance Practices Act.

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

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

13 (d) Administrative procedure.--

14 (1) The administrative provisions of this section shall
15 be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
16 and procedure of Commonwealth agencies).

17 (2) A party against whom penalties are assessed in an
18 administrative action may appeal to Commonwealth Court as
19 provided in 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial
20 review of Commonwealth agency action).

21 Section 2. This act shall take effect in 60 days.