

## AN ACT

## HB 607

Providing for reimbursement by insurance companies, professional health service plan corporations, fraternal benefit societies and voluntary nonprofit health service plans for service performed by a registered nurse; and providing further duties of the Insurance Department.

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

Section 1. Short title.

This act shall be known and may be cited as the Insurance Payment to Registered Nurse Law.

Section 2. Definitions.

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

“Department.” The Insurance Department of the Commonwealth.

Section 3. Policies and contracts covered.

(a) Coverage enumerated.—This act shall apply to every group policy, contract or certificate issued thereunder, of health, sickness or accident insurance delivered or issued for delivery within the Commonwealth, including, but not limited to, policies, contracts or certificates issued by:

(1) Any stock insurance company as described in section 202(c)(4) and (11) and any mutual insurance company as described in section 202(d)(1) of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) Any hospital plan corporation as defined in 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(3) Any professional health services plan corporation as defined in 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(4) Any fraternal benefit society as defined in 40 Pa.C.S. Ch. 65 (relating to fraternal benefit societies).

(5) Any voluntary nonprofit health service plan as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(6) Any person who sells or issues contracts or certificates of insurance which meet the requirements of this act.

(b) Application of act.—This act shall apply to policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on and after the effective date of this act.

Section 4. Scope of coverage.

(a) General rule.—When a service is performed by a certified registered nurse anesthetist, certified registered nurse practitioner, certified enter-

ostomal therapy nurse, certified community health nurse, certified psychiatric mental health nurse or certified clinical nurse specialist, certified by the State Board of Nursing or a national nursing organization recognized by the State Board of Nursing and lawfully permitted to perform that service under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, and a policy, contract or certificate provides for reimbursement for that service, the insured or any other person covered shall be entitled to reimbursement either to the insured or to the registered professional nurse providing that service. This section does not apply to registered professional nurses who are employees of health care facilities as the term "health care facilities" is defined in the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, or anesthesiology groups.

(b) Application of reimbursement process.—Nothing in this section shall apply to the assignment of benefits and payment of claims process of a stock insurance company and a mutual insurance company as set forth in section 3(a)(1).

(c) Nonduplication of payments.—Duplicate payments shall not be made to either:

(1) both a nurse provider as set forth in subsection (a) and another provider; or

(2) to the same provider

for the same services provided in a single encounter.

#### Section 5. Rules and regulations.

The department shall, in the manner provided by law, promulgate the rules, regulations and forms necessary to carry out this act. Following publication of the initial set of proposed regulations in the Pennsylvania Bulletin, but prior to their formal adoption, the department shall hold public hearings thereon.

#### Section 6. Construction of act.

Nothing in this act shall be deemed to affect or impair the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, nor to confer upon any public or private organization or agency the power to interpret or enforce this act, except as may be provided for therein.

#### Section 7. Effective date.

This act shall take effect in 90 days.

APPROVED—The 19th day of December, A. D. 1986.

DICK THORNBURGH