

No. 1994-152

AN ACT

HB 2305

Requiring health insurers to cover adopted children.

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

Section 1. Family coverage to include adopted children.

(a) General rule.—This act shall apply to all group or individual health or sickness or accident policies, all group policies, all group or individual contracts or certificates issued by an entity subject to the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, the act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code, 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations) or an employee welfare benefit plan as defined in section 3 of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 29 U.S.C. § 1002) which provide hospital or medical/surgical coverage. Such plans which provide coverage for a family member of the insured or subscriber shall, as to family members' coverage, also provide coverage for adopted children of the insured, subscriber or enrollee on the same terms and conditions as other covered dependent children. Notwithstanding any other provision within the policy, certificate or subscriber contracts, no policy shall contain preexisting conditions limitations or insurability, eligibility or health underwriting approval which treats adopted children differently than natural-born children. The coverage required by this section is effective from the date of placement for the purpose of adoption and continues unless the placement is disrupted prior to legal adoption and the child is removed from placement.

(b) Definition.—As used in this section, the term "placement" means the assumption and retention by a person of a legal obligation for total or partial support of a child in anticipation of adoption of the child. The child's placement with a person terminates upon the termination of such legal obligation. Coverage is not contingent on whether a final adoption order is ever issued. The term "child" here means an individual under 19 years of age as of the date of adoption or placement for adoption. This includes infants subject to the act of August 1, 1975 (P.L.157, No.81), entitled "An act providing for the health and welfare of newborn children and their parents by regulating certain health insurance coverage for newborn children," which applies to newborns placed for adoption or adopted. Adopting parents must notify the insurer within 31 days that a child has been added to the family. The adoptive child shall be treated the same as any other dependent under the insured or subscriber contract.

Section 2. Applicability.

This act shall apply to all insurance policies, subscriber contracts and group insurance certificates issued under any group master policy delivered or issued for delivery on or after the effective date of this act. This act shall also apply to all renewals of contracts on any renewal date which is on or after the effective date of this act.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 16th day of December, A.D. 1994.

ROBERT P. CASEY