

## No. 2013-74

## AN ACT

## HB 108

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further providing for definitions, for children's health care and for expiration.

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

Section 1. The definition of "uninsured period" in section 2303 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, amended November 2, 2006 (P.L.1314, No.136), is amended to read:

Section 2303. Definitions.—As used in this article, the following words and phrases shall have the meanings given to them in this section:

\* \* \*

**["Uninsured period." Except for children two years of age or less, a continuous period of time of not less than six (6) consecutive months immediately preceding enrollment during which a child has been without health care insurance coverage in accordance with the requirements of this article.]**

\* \* \*

Section 2. Section 2311(c)(1.1), (f.1), (i)(5) and (l)(6.1) of the act, amended November 2, 2006 (P.L.1314, No.136), are amended to read:

Section 2311. Children's Health Care.—\* \* \*

(c) \* \* \*

(1.1) Beginning January 1, 2007, and subject to the provisions of section 2314, any insurer receiving funds from the department to provide coverage of health care services under this section shall enroll, to the extent that funds are available, any child who meets all of the following:

(i) Is a resident of this Commonwealth.

(ii) Is not covered by a health insurance plan, a self-insurance plan or a self-funded plan, or is not provided access to health care coverage by court order, or is not eligible for or covered by a medical assistance program administered by the Department of Public Welfare, including the Healthy Beginnings Program.

(iii) Is qualified based on income under subsection (d), (e.1), (e.2), (e.3) or (e.4) **[and meets the uninsured period requirements as provided in subsection (f.1)].**

(iv) Meets the citizenship requirements of Title XXI of the Social Security Act.

\* \* \*

(f.1) [To be eligible for coverage under subsections (e.1), (e.2), (e.3) and (e.4), a child over two (2) years of age must have been uninsured for the uninsured period unless:

(1) the child's parent is eligible to receive benefits pursuant to the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law";

(2) the child's parent was covered by a health insurance plan, a self-insurance plan or a self-funded plan but, at the time of application for coverage, is no longer employed and is ineligible to receive benefits under the "Unemployment Compensation Law"; or

(3) a child is transferring from one government-subsidized health care program to another.] (*Reserved*).

\* \* \*

(i) The Children's Health Advisory Council is established within the department as an advisory council. The following shall apply:

\* \* \*

(5) All meetings of the council shall be conducted pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) unless otherwise provided in this section. The council shall meet at least [**annually**] *twice per year* and may provide for special meetings as it deems necessary. Meeting dates shall be set by a majority vote of members of the council or by call of the chairperson upon seven (7) days' notice to all members. The council shall publish notice of its meetings in the Pennsylvania Bulletin. Notice shall specify the date, time and place of the meeting and shall state that the council's meetings are open to the general public. All action taken by the council shall be taken in open public session and shall not be taken except upon a majority vote of the members present at a meeting at which a quorum is present.

\* \* \*

(l) A contractor with whom the department enters into a contract shall do the following:

\* \* \*

(6.1) The department shall implement a premium assistance program permitted under Federal regulations and as permitted through Federal waiver or State plan amendment made pursuant to this article. Notwithstanding any other law to the contrary, in the event it is more cost effective to purchase health care from a parent's employer-based program and the employer-based program meets the minimum coverage requirements, employer-based coverage may be purchased in place of enrollment in the health insurance program established under this subdivision. An insurer shall honor a request for enrollment and purchase of employe group health insurance requested on behalf of an individual applying for coverage under this article if that individual:

(i) is a resident of this Commonwealth;

(ii) is qualified based on income under section 2311(d), (e.1), (e.2) or (e.3); **and**

(iii) **[meets the uninsured period, except that any delay due to an enrollment restriction, which may not exceed ninety (90) days, or due to the length of the department's cost effectiveness determination shall be counted towards calculating the uninsured period; and**

(iv) **]** meets the citizenship requirements of section 2311(c)(1.1)(iv).

\* \* \*

Section 3. Section 2362 of the act, amended March 22, 2010 (P.L.147, No.14), is amended to read:

Section 2362. Expiration.—This article shall expire December 31, **[2013]** **2015**.

Section 4. This act shall take effect immediately.

APPROVED—The 16th day of October, A.D. 2013

TOM CORBETT