

## No. 1982-328

## AN ACT

## HB 2663

Amending the act of December 23, 1981 (P.L.583, No.168), entitled "An act providing for reimbursement by insurance companies and others for services performed by licensed certified nurse midwives," providing for reimbursement by hospital plan corporations for birthing facilities used by midwives.

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

Section 1. The title and sections 1 and 2, act of December 23, 1981 (P.L.583, No.168), entitled "An act providing for reimbursement by insurance companies and others for services performed by licensed certified nurse midwives," are amended to read:

## AN ACT

Providing for reimbursement by insurance companies and others for *facilities used by or for* services performed by licensed certified nurse midwives.

Section 1. (a) This act shall apply to every group or individual policy, contract or certificate issued thereunder, of health or 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 incorporated for any of the purposes set forth in section 202(c), act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(2) Any mutual insurance company incorporated for any of the purposes set forth in section 202(d) of "The Insurance Company Law of 1921."

(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. 63.

(5) Any health maintenance organization 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.

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

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

(c) This act shall apply to all private and public programs for health services *and facilities* reimbursement, including but not limited to any such reimbursement programs operated by the Commonwealth.

Section 2. Whenever an insurance policy, contract or certificate or health services reimbursement program provides for reimbursement for any health care service which is within those areas of practice for which a midwife may be licensed pursuant to the act of April 4, 1929 (P.L.160, No.155) or pursuant to statute in the state where the service is delivered, *or for the cost of birthing facilities*, the insured or any other person covered by the policy, contract or certificate, or health services *or facilities* reimbursement program shall be entitled to reimbursement for such service *or use of the facilities* whether the service is performed by a duly licensed physician or an osteopath or a duly licensed certified nurse midwife practicing within those areas for which the certified nurse midwife is licensed in the state where the licensed certified nurse midwife is practicing. Whenever such service is performed by a licensed certified nurse midwife and reimbursed by a professional health services plan corporation, the licensed certified nurse midwife shall be granted such rights of participation, plan admission and registration as may be granted by the professional health services plan corporation, under 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations) to a physician or osteopath performing such service. When payment is made for health care services performed by a licensed certified nurse midwife, no payment or reimbursement shall be payable to a physician or osteopath for the service performed by the licensed certified nurse midwife.

Section 2. This act shall take effect immediately.

APPROVED—The 20th day of December, A. D. 1982.

DICK THORNBURGH