

No. 1992-35

AN ACT

HB 536

Providing for health insurance coverage of children; and conferring powers and duties on the Department of Health and 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 Childhood Immunization Insurance Act.

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:

“Child immunizations.” Immunizations, including the immunizing agent, reimbursement for which shall not exceed 150% of the average wholesale price, which, as determined by the Department of Health, conform with the standards of the Advisory Committee on Immunization Practices of the Center for Disease Control, the United States Department of Health and Human Services.

“Health insurance policy.” Except for specified disease policies, shall mean any group health insurance policy, contract or plan, or any individual policy, contract or plan with dependent coverage for children, which provides medical coverage on an expense-incurred, service or prepaid basis. The term includes the following:

(1) A health insurance policy or contract issued by a nonprofit corporation subject to 40 Pa.C.S. Chs. 61 (relating to hospital plan corporations), 63 (relating to professional health services plan corporations) and 65 (relating to fraternal benefit societies).

(2) A health service plan operating under the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) 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. § 1001 et seq.).

Section 3. Child immunizations.

Except as provided in section 6, any health insurance policy which is delivered, issued for delivery, renewed, extended or modified in this Commonwealth by any health care insurer shall provide that the health insurance benefits applicable under the policy include coverage for child immunizations. A health insurance policy shall provide for coverage for medically necessary booster doses of all immunizing agents used in child immunizations.

Section 4. Delivery of policy.

Except as provided in section 6, if a health insurance policy provides coverage or benefits to a resident of this Commonwealth, it shall be deemed to be delivered in this Commonwealth within the meaning of this act, regardless of whether the health care insurer issuing or delivering said policy is located within or outside this Commonwealth.

Section 5. Cost-sharing provisions.

(a) **Applicability.**—Benefits for child immunization services shall be subject to copayment and coinsurance provisions of a health insurance policy to the extent that other medical services covered by the policy are subject to those provisions.

(b) **Exemption.**—Benefits for child immunization services shall be exempt from deductible or dollar limit provisions in a health insurance policy. This exemption must be explicitly provided for in the policy.

Section 6. Exemption.

Notwithstanding sections 3 and 4, this act shall not be construed to require a health insurance policy to include coverage for child immunizations for an individual who is a resident of this Commonwealth if all of the following apply:

- (1) The individual is employed outside this Commonwealth.
- (2) The individual's employer maintains a health insurance policy for the individual as an employment benefit.

Section 7. Regulations.

The Department of Health and the Insurance Department shall promulgate regulations to implement this act.

Section 8. Application of act.

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 9. Effective date.

This act shall take effect in six months.

APPROVED—The 21st day of May, A. D. 1992.

ROBERT P. CASEY