

# LEG REG REVIEW

## 2022, 9<sup>th</sup> Issue May 22, 2022

*LEG REG REVIEW is a periodic newsletter produced by Vince Phillips who retired from active lobbying after 31 years of advocacy in Harrisburg. It contains news on the legislative and regulatory scene in Pennsylvania that may be of interest to the Insurance and Business Communities. Subscriptions are \$100 and information may be obtained by contacting PHILLIPS ASSOCIATES at 717/728-1217 or e-mail to [xenobun@aol.com](mailto:xenobun@aol.com).*

### PRIMARY AS IT RELATES TO INSURANCE

The 2022 Primary is behind us and we now know who the nominees will be in November (except for the Republican U.S. Senate nomination and several other races too close to call as of May 20). the General Assembly returns to Harrisburg to gear down for the June quest for a State Budget. Generally, the workings of the General Assembly on insurance issues will be unaffected although insurance is likely to become a lightning rod for other issues such as abortion coverage.

### KEY PRIMARY DEVELOPMENTS

- House Appropriations Committee Majority Chair Stan Saylor (R-York) was defeated. Senate Appropriations Committee Majority Chair Pat Browne (R-Lehigh) trails by 30 votes.
- Rep. Summer Lee (D-Allegheny) appears to have won the Democratic nomination for retiring U.S. Rep. Mike Doyle's seat.
- Democratic Rep. Malcolm Kenyatta (Phila.) lost in his quest to be his party's nominee for Lt. Governor but did win the nomination for his House seat.
- Rep. Pam DeLissio (Phila. /Montgomery) has apparently lost her renomination for her House seat. She has a strong interest in health insurance legislation and has been the standard bearer of those seeking single payer insurance in PA. DeLissio currently serves as Minority Chair of the House Children & Youth Committee.
- Aging & Older Adult Services Committee Majority Chair Rep. Gary Day (R-Lehigh/Berks) lost to fellow incumbent Rep. Ryan Mackenzie. The redistricting map drawn by the PA Supreme Court put the two incumbents together.
- In the Senate Banking & Insurance Committee, all members except for Senate President Pro Tempore Jake Corman who is not running for re-election, either won their primary or will not be up until 2024. Corman will continue his ex officio committee membership until the end of his term in November.
- In the House Insurance Committee, most were re-nominated as their party's candidate for the fall. Exceptions are Rep. Wendi Thomas (R-Bucks) and Greg Rothman (R-Cumberland) who did not seek re-election to the House, Rep. Mike Puskaric (R-Allegheny) who lost his primary, and Rep. Austin Davis (D-Allegheny) who is Josh Shapiro's running mate in the gubernatorial race. Reps. Davis, Rothman, and Thomas can still complete their present terms.
- Incumbents who lost their respective primaries will still fill out the remainder of their terms. Others not mentioned above are:
  - Majority Chair of the Game & Fisheries Committee Keith Gillespie (R-York)
  - Rep. Mike Puskaric (R-Allegheny), **MEMBER, HOUSE INSURANCE COMMITTEE**
  - Rep. Jason Silvis (R-Westmoreland)
  - Rep. Maretell Covington (D-Allegheny)
  - Johnathan Hershey (Mifflin/Perry)
  - Rep. Brian Kirkland (D-Delaware)

### MOVING ON UP

In addition to **HOUSE INSURANCE COMMITTEE MEMBER** Rep. Austin Davis (D-Allegheny) winning the Democratic nomination for Lt. Governor, several legislators won their party nominations for PA State Senator.

## Nominated Candidate

Rep. Rosemary Brown (R-Monroe)  
Rep. Greg Rothman (R-Cumberland)

### **MEMBER, HOUSE INSURANCE COMMITTEE**

Rep. Frank Farry (R-Bucks)  
Rep. Tracy Pennyquick (R-Bucks)

## Current (Retiring) Legislator

Senator Mario Scavello (R-Monroe)  
Redrawn district – no incumbent

‘Tommy’ Tomlinson (R-Bucks)  
Bob Mensch (R-Bucks/Berks/Mont.)

## **ON THE LEGISLATIVE CALENDARS...**

The House and Senate both have bills on their respective calendars relating to Property/Casualty Insurance.

### Senate Calendar

- **Senate Bill 676** (Pittman-R-Indiana) contains several elements relating to auto insurance: doubling minimum coverages, stacking etc. Given the scope of the bill, following is a link to the bill: <https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sesInd=0&billBody=S&billTyp=B&billNbr=0676&pn=1182>.
- **Senate Bill 775** (Bartolotta-R-Beaver/Greene/Washington) expands and clarifies Workers Compensation coverage for first responders and 911 staff with post-traumatic stress injuries.

### House Calendar

- **House Bill 922** (Davano-R-Westmoreland) addresses a court decision regarding a Workers Compensation injury caused by a third party. If the award exceeds the WC benefits, the excess goes to the employee. HB 922 specifies that the employer cannot pay medical benefits in addition to the award.
- **House Bill 860** (Polinchock-R-Bucks) would mandate ten-year life tamper resistant smoke detectors in rental properties.

## **HOUSE INSURANCE COMMITTEE TAKES UP CHIP BILL**

The House Insurance Committee is slated to consider **House Bill 2585** (Pickett-R-Bradford) that would prevent the PA Department of Human Services from forcing Capital Blue Cross to abide by Medicaid designated service areas. Capital Blue Cross can legally market in specified 27 PA counties. The Department of Human Services plan would effectively prevent Capitol Blue Cross from offering Children’s Health Insurance Program (CHIP) policies since the planned areas include counties outside of the 27. Capital Blue Cross would be required to offer CHIP in the entire areas even though it is prevented from marketing outside of its 27 counties.

## **SENATE BANKING & INSURANCE COMMITTEE WORK THIS WEEK**

The Senate Banking & Insurance Committee is expected to vote this week on:

- **Senate Bill 1235** (DiSanto-R-Dauphin/Perry and Street-D-Phila.) which is the Senate version of HB 2585.
- **Senate Bill 1222** (DiSanto and Street) adopts the National Association of Insurance Commissioners (NAIC) model for conducting a Group Capital Calculation and Liquidity Stress Test. This legislation would enable PA insurance holding companies to avoid complying with European Union and United Kingdom financial and accounting standards and regulations while strengthening insurer solvency laws.
- **House Bill 2419** (Pickett-R-Bradford) addressing Telemedicine psychiatric and advanced practice professionals’ supervision requirements in outpatient psychiatric clinics. Its goal is to make mental health treatment more accessible to populations affected by difficulties in receiving in-person care. NOTE: Unlike some other Telemedicine legislation such as Senate Bill 705 (Vogel-R-Beaver) which mandate insurer payment of Telemedicine claims, HB 1419 simply looks at the provision of care.

## **DEPARTMNT ANNOUNCES PUBLIC COMMENT PERIOD ON ACA WAIVER**

The PA Insurance Department issued Notice 2022-06 announcing a public comment period from June 1 – June 30, 2022 on the ACA 1322 State Innovation Waiver which allowed PA to set up its own Health Insurance Exchange. If HHS approves, the Waiver would extend through 2025. Comments go to Katie Merritt, PA Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120 or via [RA-IN-PA1332Waiver@pa.gov](mailto:RA-IN-PA1332Waiver@pa.gov).