

LEG REG REVIEW

2023, 23d Issue October 23, 2023

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. Annual subscriptions are \$100 and information may be obtained by contacting PHILLIPS ASSOCIATES at 717/728-1217 or e-mail to xenobun@aol.com.

LEGISLATIVE ACTIVITY Both House and Senate are in session this week.

FLOOD INSURANCE ON SENATE VOTING CALENDAR

House Bill 735 (Warren-D-Bucks) is on third consideration of the Senate calendar and could be voted on this week. It would establish the Flood Insurance Premium Assistance Task Force which would have the responsibility to ‘*review and analyze the law, procedures, processes, and rules relating to the administration of Flood Insurance.*’ If enacted, HB 735 requires the Task Force to produce a report to the Governor and the General Assembly with recommendations as to:

- *potential programs that provide premium discounts*
- *potential programs, whether through the mechanism of premium discounts or other relief, that create incentives for local governments to undertake or continue flood mitigation efforts*
- *the implementation of necessary changes in statutes and practices of this Commonwealth, policies and procedures relating to the administration of flood insurance*
- *how to educate residents of this Commonwealth about the risk of flooding and ways to mitigate flood occurrences*
- *steps that the Commonwealth should take to inform residents about the options available when purchasing flood insurance*
- *how to increase the number of people that purchase flood insurance, either through the National Flood Insurance Program or the private flood insurance market.*

Members of the Flood Insurance Premium Assistance Task Force would include the Insurance Commissioner, Secretary, Bank & Securities Department, and Director, PA Emergency Management Agency (PEMA). The Speaker and Minority Leader of the House and the Senate President Pro Tempore and Minority Leader each get to appoint one member.

NOTE: There is no language in the bill requiring that either a licensed insurance producer with experience in selling Flood Insurance or a Write Your Own insurance company or surplus lines carrier that offer National Flood Insurance Program or private sector policies be named to the Task Force.

POST TRAUMATIC STRESS INJURY INSURANCE BILLS RECEIVE ATTENTION

Two Workers Compensation bills providing Post Traumatic Stress Injury coverage to first responders are seeing legislative activity.

- **Senate Bill 365** (Bartolotta-R-Beaver/Greene/Washington) would provide Workers Compensation coverage for firefighters who suffered a post-traumatic stress injury. It is on the Senate calendar for second consideration. That means one more legislative day of consideration will have to take place before the Senate can vote on the bill.
- Another firefighter post-traumatic stress injury bill, **House Bill 1632** (O’Mara-D-Delaware), was reported out by a subcommittee of the House Veterans Affairs & Emergency Preparedness Committee. Covered would be firefighters but not dispatchers or coroners. During the subcommittee meeting, the bill’s prime sponsor chided the Insurance Industry for having previously prevented passage. On October 18, the subcommittee voted to report HB 1632 to the full committee for consideration.

Two other Workers Compensation bills are receiving attention.

- **House Bill 1751** (Donahue-D-Lackawanna) dealing with employer misclassification of construction employees as independent contractors **was** voted out of the House Labor & Industry Committee October 18 by a 14-11 vote with Democrats voting yes.
- Also on misclassification is **Senate Bill 577** (Kane-D-Chester/Delaware) which was reported out by the Senate Labor & Industry Committee by a 10-1 vote on October 4 It is on the Senate calendar for second consideration, needing one more session day before a vote can be taken.

TELEDENTISTRY COVERAGE MANDATE MOVES THROUGH HOUSE COMMITTEE

On October 18, the House Health Committee reported out **House Bill 1585** (Frankel-D-Allegheny) by a vote of 25-0. Its purpose is to develop health equity so that underserved populations may have greater access to dentistry and a preliminary assessment as to whether or not an actual visit to the dentist is warranted. Services include whether or not a person needs emergency care, have X-rays performed by a dental hygienist outside of a dentist's office (school, nursing home), or remote prescriptions of antibiotics. Health insurers would be required to cover Telemedicine care.

SENATE BANKING & INSURANCE COMMITTEE TAKES UP TRAVEL INSURANCE

On October 24, the Senate Banking & Insurance Committee has scheduled a meeting to consider **Senate Bill 943** (Phillips-Hill-R-York). Its goal is to codify and clarify legal requirements for Travel Insurance. It expands on the limited Travel Insurance line of authority created in 2018 to state that a licensed insurance producer selling this product need not be licensed to sell property/casualty insurance. The marketing and sale of Travel Insurance would be governed by the Unfair Insurance Practices Act (Act 205). Also, an opt-out would not be allowed, This occurs when a person is automatically enrolled unless he or she specifically chooses not to.

Following is a link to the legislative language:

<https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2023&sessInd=0&billBody=S&billTyp=B&billNbr=0943&pn=1121>.

OTHER LEGISLATIVE WORK

- The Senate voted 49-0 on October 17 and the House followed suit the next day with a 199-4 vote to pass **House Bill 1351** (Frankel-D-Allegheny). SB 1351 amends the terms of PA Rural Health Redesign Center Board members, extends an assessment on acute care and rehabilitation hospitals through June 30, 2028, and increases EMS reimbursement rates paid by the Department of Human Services to the greater of Medicare or Medicaid rates.
- On the Senate Health & Human Services Committee agenda for October 24 is **House Bill 507** (Fiedler-D-Phila.). It requires specific informed advance consent by a patient before a pelvic, rectal, or prostate exam requiring anesthesia can be performed.

UPCOMING

- **November 7-8 in Harrisburg:** PA Association of Mutual Insurance Companies (PAMIC) Fall Conference with a special program 'Trends In The Regulatory Environment' conducted by the PA Insurance Department. Details: www.pamic.org (in-person).
- **November 16:** NAIFA-PA – Don't Be Afraid of Long-Term Care (Insurance). Details: <https://lecp.naifa.org/> or Jan Hartman at jhartman@naifa-pa.org (webinar).
- **Selected CE opportunities are being offered by IA&B:** Ethical Dilemmas on November 2; Commercial Property Recent Changes on November 14 and Social Security and Other Retirement Solutions on December 14 (all webinar). Details: www.iabforme/events.

HEALTH INSURANCE STUDY SHOWS UPTICK IN SATISFACTION... Issued October 17 was a report saying that consumer satisfaction with health insurance has climbed to 76 out of an index score of 100 according to the American Customer Satisfaction Index: [American Customer Satisfaction Index \(ACSI®\) Insurance and Health Care Study 2022-2023](#).