

LEG REG REVIEW

2024, 11th Issue May 13, 2024

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.

PACKED INSURANCE WEEK IN PA LEGISLATURE

As the General Assembly moves towards State Budget deliberations throughout June, the pace of things have quickened with a number of insurance and insurance-related measures seeing legislative action.

DISTRACTED DRIVING: By a 126-74 vote on May 8, the House approved **Senate Bill 37** (Brown-R-Monroe) to ban driver use of hand-held electronic devices while driving except in an emergency situation. Seven Democrats joined 67 Republicans in an unsuccessful attempt to block the bill which will now be on its way to Governor Shapiro for his signature. Because it was amended five times during its legislative journey, if you seek to read SB 37, make sure you use Printer's Number 1588 to examine the text:

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2023&sInd=0&body=S&type=B&bn=0037>.

A summary is found in the May 8 Fiscal Note:

<https://www.legis.state.pa.us/WU01/LI/BI/FN/2023/0/SB0037P1588.pdf>.

WORKERS COMPENSATION EXPANSION: On May 8, the House voted 154-46 for **House Bill 1632** (O'Mara-D-Delaware) to expand Workers Compensation for Post Traumatic Stress Injuries (PTSI) for certain first-responders such as EMS providers, firefighters, and others. One item of particular interest to the Insurance Industry is a definition of PTSI claim in section 301 stating:

(g) (1) A claim for a post-traumatic stress injury suffered by a first responder shall establish that the injury was the result of the individual undergoing a qualifying traumatic event or events and was sustained in the course and scope of the individual's employment as a first responder. A post-traumatic stress injury suffered by a first responder shall not be required to be the result of an abnormal working condition to be a compensable injury under this act.

This could be read as including dispatchers. A concern is that this bill would significantly expand the numbers of WC claims causing insurer exclusions and force EMS providers into last-resort coverage from the State Workers Insurance Fund (SWIF). The fear is a similar effect from **Act 46 of 2011**, the Firefighter Cancer Presumption Act, which expanded WC to cover incident-related cancer. In effect, Act 46 was specified as a cause of commercial coverage exclusion of firefighter cancer. HB 1632 has a companion, **Senate Bill 365** (Bartolotta-R-Beaver/Greene/Washington), which went through committee but has not seen action by the full Senate.

TELEMEDICINE: Senate Bill 739 (Vogel-R-Beaver) was approved by the PA Senate on May 8. It would mandate health insurer coverage for in-network Telemedicine (remote health care) services/treatments. Insurers could not exclude coverage solely because the service is provided through Telemedicine. In addition, reimbursement for a claim may not be predicated on the use of an exclusive proprietary technology or vendor. One dissenting vote was cast by Senator Scott Hutchinson (R-Venango). Its House companion, **House Bill 1512** (Sappey-D-Chester), passed the House on April 10, 2024.

COMMITTEE WORK

- **On May 7, the Senate Banking & Insurance Committee reported out two bills, one of which relates to insurance. House Bill 660** (Schlossberg (D-Lehigh) would establish a regulatory framework for Pet Insurance.

- **On May 6, the House Insurance Committee reported out:**
 - **House Bill 2138** (Steele-D-Allegheny) would mandate health insurance coverage for blood pressure monitors for pregnancy or post-partum treatment.
 - **House Bill 1021** (Sanchez-D-Montgomery.) would prevent life insurance companies from actions against applicants or enrollees simply because of Naloxone (opioid emergency treatment) appearing on their prescription list.
 - **House Bill 1867** (Venkat-D-Allegheny) would prohibit health insurers from restricting payment to a participating health care provider via electronic credit cards with mandatory fees to the provider.
 - **Senate Bill 943** (Phillips-Hill-R-York) seeks to provide protection to consumers buying Travel Insurance by requiring a limited line form Travel Insurance, an insurance producer licensed in a major line of authority, or a P/C producer (who would not need an insurer's appointment). The bill makes the distinction between Travel Insurance and non-insurance services that may be bundled as *'travel protection plans.'* Those plans cover fees incurred when cancelling travel, obtaining replacement travel documents, lost luggage, etc.

INSURANCE COMMITTEE ALSO REPORTS EXCHANGE SUBSIDY BILL

Also reported out May 6 was **House Bill 2234** (Kim-D-Dauphin/Cumberland). Part of Governor Shapiro's State Budget proposal, HB 2234 would provide subsidies ("*affordability assistance program*") to help the uninsured purchase health insurance exchange policies through Pennie. The bill would seek Federal approval of a waiver to marketplace provisions of the Affordable Care Act relative to state-based health insurance exchanges (Section 1332). **NOTE:** Governor Shapiro's original proposal wanted to take \$50 million from the Workers Compensation Security Fund but this language does not appear in HB 2234. Rather, it uses Pennie's existing authority to collect fees up to 3% of monthly premiums for in-exchange insurers to fund Pennie's reinsurance mechanism (currently done) and for the new affordability assistance program. The committee vote was along party lines with Democrats voting for.

ELECTIONS/POLITICS

- The Luzerne County 117th district Republican primary contest remains too close to call with incumbent PA Rep. Mike Cabell three votes away from besting challenger Jamie Walsh. Election night showed an eight-vote spread in favor of Walsh. Now before Luzerne County Court are issues such as these:
 - Cabell's first cousin moved into another county 25 days before the primary contest. Can his vote at his original address be counted?
 - A voter went to his polling place but was told that he had already voted by mail. He did not remember receiving one. State law says that the write-in ballot must be brought in and invalidated on election day before the vote can be cast in-person. Can this vote count even though the write-in ballot was not brought in?
 - Can a write-in vote count if the candidate's name is already on the ballot? If yes, will the vote be counted if the candidate's name is mis-spelled?
- There were two other primary elections where the winner won by 50 or fewer votes. Both Democratic primary contests, incumbent Amen Brown (Phila.) won by 50 votes in district 10 while John Ingles (Allegheny County) won with a 48-vote margin in the 38th district.
- Write-in votes decided the nominee in two races where the party did not field a candidate:
 - Peter Kohne is the Democratic nominee against incumbent Natalie Mihalek (R-Allegheny/Washington) in the general election (40th district).
 - Incumbent Rp. Eddie Day Pashinski (D-Luzerne) will face off against Republican Dino Disler in the 131st district.

NOTE: Items on the Luzerne County legislative contests were based on reports by WVIA News reporter Borys Krawczeniuk on May 6 and May 9, 2024.