

LEG REG REVIEW

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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.

HOUSE UPDATE

So far, the House has NOT adopted Rules nor formally activated committees. Although there are numbers of bills waiting in the wings, there are no formally introduced pieces of legislation, bill numbers, and referrals to committees (since committees have not been officially formed). This may change this week with the House coming back to Harrisburg -- unless discord again reigns as the order of the day.

What has the House accomplished since January 3 besides electing Rep. Mark Rozzi (D-Berks) as Speaker?

- A bipartisan working group was formed by the Speaker to prepare recommendations for Rules of the House. **NOTE:** Now in the minority, Republicans participated in the working group despite saying that the House could have simply continued last session's Rules rather than being in limbo for two months.
- A Special Session of the House was convened to focus on one issue – sexual abuse. It produced bipartisan passage of two pieces of legislation designed to create a litigation window where victims of sexual abuse could file legal actions against alleged perpetrators. This was the priority of Speaker Rozzi since he himself had been a youthful victim.
- Despite eventual success, the Special Session was not without controversy. Democratic Rules for the Special Session were imposed that prompted Republicans to accuse the majority party with aiming to “Silence Citizens”. Typical of GOP attacks on the Special Rules were comments by Rep. David Rowe (R-Snyder/Union/Mifflin/Juniata):

Two-thirds majority required to pass an amendment. This stipulation is arguably unconstitutional and could open all House actions moving forward to legal action. That includes the legislation we are currently working on for victims of childhood sexual abuse.

Zero oversight for ethics or for dealing with sexual harassment. House rules did not include an Ethics Committee or any language about dealing with sexual harassment taking place in the Legislature, which is highly suspect given [recent reporting about a Democrat member's behavior](#). **NOTE:** This public accusation was made by a union lobbyist against a yet un-named Democratic House member.

Limited minority inclusion. Democrats in the House have a one-seat majority – not exactly a mandate for heavy-handed leadership. But Democrats went two for two in shutting down debate and not permitting amendments. Their rules also limited my ability to speak on your behalf by restricting members to speak only once and for no more than five minutes during debate. Your voices are being silenced by this action.

Excluding key issues. The rules adopted for the special session limit the subject of bills or resolutions to the single subject of extending the statute of limitations for sexual abuse victims. As a result, other incredibly important issues are not being addressed. From expanding educational choice to adopting voter ID, debate on all such issues is shut down because the House truly can't start work on any other legislation until regular session begins and operating rules are in place.

On day one of Democrat control, they silenced debate on all orders of business. Remember this.

SENATE BANKING & INSURANCE COMMITTEE TO MEET

On February 28, the Senate Banking & Insurance Committee is scheduled to consider **Senate Bill 8** (K. Ward-R-Westmoreland).

This legislation blends two bills from the last session that the Senate passed unanimously. It would eliminate out of pocket costs for genetic testing for hereditary breast and ovarian cancer syndromes as well as supplemental breast screenings for women with a high lifetime risk of breast cancer. These supplemental screenings include both MRI and Ultrasound tests of dense breast tissue. This tissue may show cancer which would be missed by a standard mammogram.

REGULATORY UPDATES

- The Health Care Cost Containment Council (PHC4) will meet March 2 at 10:00 a.m. Details: rgreenawalt@phc4.org.
- Protection Mutual Insurance Company of Littlestown is seeking Insurance Department approval to merge with stock property Community Insurance Company.
- The PA Insurance Department is providing an opportunity to make suggestions as to what coverages should be included in the Department's Export List. This list is updated annually to include insurance coverage for which there is no standard insurance market. These are exempt from Surplus Lines law that specifies that a "diligent" search (declinations from the standard market) must take place before the Excess and Surplus Lines market can be utilized. An example is a stand-alone Flood Insurance non-National Flood Insurance Program (MFIP) policy where the E&S market can be directly accessed. Suggestions on additions or removals from the Export List may be made to Lori Rumpf at lrumpf@pa.gov by March 13.
- The PA Insurance Department issued a Special Schedule 'W' data call to Workers Compensation insurance carriers. This data includes unpaid claims estimates. The due date is April 15, 2023. Details: Actuary Bojan Zorkic at 717-787-6968 or bzorkic@pa.gov.

DEPARTMENT WARNS INSURERS RE GEOGRAPHIC DISCRIMINATION

On February 24, Acting PA Insurance Commissioner Michael Humphreys reminded P/C insurers that where a motor vehicle is operated or garaged cannot be used in underwriting standards or eligibility requirements. The announcement followed recent media coverage of auto thefts of certain model years of Kia and Hyundai motor vehicles. He cited Act 68 of 1998 and the Unfair Insurance Practices Act (Act 205) in his warning to insurers that geographic location is not permitted as a prompt for cancelling, refusing to renew, or writing an insurance policy.

Insurers were asked to review any such actions since September 1, 2022 on makes and models of the 2010-2021 Kia and Hyundai and contact the Department for oversight as to if any violations have occurred. Owners of the affected vehicles are also being asked to contact the Department at 877-881-6388 if they believe that their insurance company may have violated PA law or simply have questions about a plan that has been cancelled or non-renewed.

OBSCURE PART OF ACA

Not well known is the provision of Section 2713 of the Affordable Care Act (ACA) where recommendations for ACA preventive care standards may come from the United States Preventive Services Task Force. Not every proposal is recommended. For example, on February 14, 2023, the Task Force did not recommend screening people without signs of genital herpes because it "*does not improve their overall health.*" There is also a public comment period, a list of which is found at <https://uspreventiveservicestaskforce.org/uspstf/public-comments-and-nominations/opportunity-for-public-comment>. Current opportunities include preventive depression medication, use of folic acid, intimate partner violence and abuse of vulnerable adults, high blood pressure disorders during pregnancy, etc.

NOTE: The no-pay coverage for levonorgestrel (Morning After Pill) recommendation may have originated with the Women's Preventive Services Initiative in 2021 instead of the US Preventive Services Task Force. Their recommendation was adopted by the Health Resources & Services Administration in 2022. Link: <https://www.womenspreventivehealth.org/recommendations/contraception/>.