

# LEG REG REVIEW

## 2023, 21st Issue September 30, 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](mailto:xenobun@aol.com).*

### HOUSE IN, SENATE NOT

The PA House resumed work in Harrisburg September 26 after an extended summer recess. The PA Senate was not in session then but was in session the preceding week. Both the House and Senate will be in session this week. Remaining 2023 session days follow:

<u>Month</u>	<u>House</u>	<u>Senate</u>
October	2, 3, 4, 16, 17, 18, 30, 31	2, 3, 4, 16, 17, 18, 23, 24, 25
November	1, 13, 14, 15	13, 14, 15
December	none scheduled	11, 12, 13

### LEGISLATIVE ACTIONS

Last week, the House passed four bills and five Resolutions. Of the bills, two dealt with education and PA recreation respectively. The others were transportation bills as follows:

- **House Bill 250** (Merski-D-Erie) reduces the vehicle registration fee from \$45 to \$10 for retired persons with incomes below \$29,906 (now at \$19,200). The House vote was 202-0 September 27.
- **House Bill 1291** (O'Mara-D-Delaware) seeks to make it easier for persons with disabilities to renew drivers' licenses by using the current photograph and signature on file. Exceptions would be licensing applications with a change of name, height, or eye color. Originally, the bill said that it would become law 60 days after passage. It was amended to go into effect 28 months after enactment. The 161-41 vote was taken September 27. The no votes were cast by Republicans.

Of the five Resolutions adopted by the House, one had a bearing on insurance. **House Resolution 178** (Kinsey-D-Phila.) declared September 2023 to be Emergency Preparedness Month. The September 27 vote by the House was 201-1 with Rep. Wendy Fink (R-York) casting the negative vote.

### UPCOMING COMMITTEE WORK

**There are three upcoming committee meetings of possible interest to the Insurance Community.**

On October 3, the House Insurance Committee plans to convene a hearing on **House Bill 660** (Schlossberg-D-Lehigh). This legislation purports to establish a regulatory framework for regulating pet insurance in PA. According to the prime sponsor, pet insurance consumers are adversely impacted by hidden fees, coverage confusion, and unknown waiting periods or exclusions.

On October 4, the Senate Labor & Industry Committee plans a voting meeting on **Senate Bill 577** (Kane-D-Montgomery/Delaware). This would strengthen penalties on construction firms that misclassify employees as independent contractors to avoid having to pay Workers Compensation Insurance premiums. Details: <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2023&sInd=0&body=S&type=B&bn=0577>.

On October 18, the House Commerce Committee takes up **House Bill 1580** (Salisbury-D-Allegheny) which would allow lenders regulated by the Consumer Discount Company Act and the PA Motor Vehicle Sales Finance Act to work remotely. **NOTE:** So far, similar legislation affecting the Insurance Industry has not been introduced.

## PID ANNOUNCES 2024 HEALTH INSURANCE RATE APPROVALS

On September 28, the PA Insurance Department announced the approved rates for individual and small-group health insurance markets. On average, individual market coverage premiums will increase 3.9% while small-group premiums will increase an average of 4.1%. Following is a link to a company-by-company chart showing what was requested and what was approved:

<https://www.insurance.pa.gov/Consumers/HealthInsuranceFilings/Pages/ACA-Health-Rate-Filings.aspx>.

The Department also said that 2024 will see increased health insurance options for consumers with:

- Highmark's expansion into Bucks, Chester, Delaware, Montgomery and Philadelphia Counties
- Geisinger expanding to include Bedford County
- Jefferson Health Plans to offer coverage in Montgomery and Philadelphia Counties
- Stand-alone dental plans offered by UnitedHealthcare will be available in 59 PA counties.

## CMS SEEKS STAKEHOLDER FEEDBACK on OTCs

Center for Medicare/Medicaid Services (CMS) has opened a comment period on over-the-counter drugs (OTC) classified as 'free' preventive care under the Affordable Care Act (ACA). According to the agency, numbers of OTC products such as progestin-only birth control pills approved by the FDA in 2023 as available without a prescription. Can still involve costs for consumers. In addition, the Biden Administration is looking into a health equity issue as to certain populations being adversely affected financially.

Following is text from the CMS explaining the equity concerns.

*The Departments (HHS and U.S. Department of Labor) hope that the comments received in response will expand their understanding of the potential health equity effects of requiring coverage for OTC preventive products, without cost sharing and without a prescription by a health care provider, in addressing systemic racism and historic inequity for women and LGBTQIA communities. There will be a 60-day comment period. To be assured consideration, comments must be received at one of the addresses provided in the Request for Information 60 days after date of publication in the Federal Register.*

For more information on how to submit comments or to review the entire rule, visit the Federal Register <https://www.federalregister.gov/public-inspection/current>. Text of the CMS request follows:

<https://www.cms.gov/ccio/resources/regulations-and-guidance/downloads/cms-9891-nc.pdf>

## REGULATORY UPDATES

- PA Health Care Cost Containment Council (PHC4) is required by law to collect information on 35 diseases, procedures and medical conditions such as coronary bypass, ventilation for a respiratory disease, etc. These supply data on matters such as hospital-acquired infections. Link: <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol53/53-39/1345.html>.
- A request to merge by two fraternal life insurers is being considered by the Insurance Department. They are Polish National Union of America and Illinois-based Polish National Alliance of the United States of North America.
- Hamilton Re Ltd. has applied for an initial designation as a reciprocal jurisdiction reinsurer.
- **Surplus Lines**
  - PA Surplus Lines Assn. (PSLA) issued a memo on September 27 stating that the Electronic Filing System is scheduled for maintenance and will be unavailable between 3:00 p.m. October 6 to 8:30 a.m. on October 10.
  - Also on September 27, a list of eligible surplus lines insurer updates was published by PSLA: <https://www.pasla.org/Documents/EligibleListUpdates.pdf>.

**POLITICS...** Rep. Ryan Bizzarro (D-Erie), Chair, House Democratic Policy Committee, announced September 26 that he is seeking the Democratic nomination in 2024 to face incumbent Republican State Treasurer Stacy Garrity.