

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.

SESSION DAYS SET THROUGH JUNE 2023

<u>Month</u>	<u>Senate</u>	<u>House</u>
January	3, 4, 18, 19, 24, 25, 26	same
February	7, 8, 9	same
March	30	28, 29, 30
April	4, 5, 6, 11, 12, 13	11, 12, 13, 25, 26, 27
May	23, 24, 25	same
June	6, 7, 8, 13, 14, 15, 20, 21, 22, 28, 29, 30	7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29, 30

SPONSORSHIP FLOOD CONTINUES

LEG REG Review of December 9 (2022.24) listed 19 separate sponsorship memos that have implications for insurers, insurance producers, and insurance consumers. NOTE: Bill numbers will not be assigned until legislators formally submit their bills for introduction. Committee work cannot begin yet.

Following are 25 additional House sponsorship memos:

- **Bonds:** Bonding requirements for **decommissioned solar panels and structures** (Rapp-R-Warren).
- **Buildings:** Mandated **carbon monoxide alarms** in child care facilities (McNeill-D-Lehigh).
- **Insurance Claims: \$35 cap on insulin price** (McNeill (D-Lehigh); **Property claims after a disaster** given an extension on investigations by insurers (Guenst-D-Montgomery).
- **Mandated Health Insurance Coverage:** Mandated coverage **for hearing aids** -- two bills (Hanbidge-D-Montgomery); Mandated coverage **for infertility** (Malagari-D-Montgomery); Mandates coverage **for non-opioid pain management** (Zabel-D-Delaware); Mandates coverage **for PANS and PANDAS, two pediatric neuropsychiatric conditions** (Jozwiak-R-Berks).
- **Discrimination by Insurers: Prohibition on insurers denying coverage if individuals have an opioid reversal agent such as naloxone in their Rx profile** (Sanchez-D-Montgomery); **Establishes Office of Health Equity** to provide equal health care access to marginalized people and those currently without access to care (Bullock-D-Phila.).
- **Employer Insurance Issues: Employers with 50-99 employees to have access to insurer claims data** (Zimmerman-R-Lancaster); **Ends medical insurance for retired State Representatives** (Schemel-R-Franklin).
- **Insurance/Financial Education: Personal financial literacy class** for high school graduation; effective 2024-25 school year (Mehaffee-R-Dauphin).
- **Liability: Increases liability and imposes penalties on those such as health insurers who submit false or error claims with state government AND pays whistleblowers;** called ‘False Claims Act’ (Grove-R-York); **Limiting liability to donors of food** which is past ‘best if used by’ dates (Rowe-R-Union/Juniata/Mifflin/Snyder); **Reduces liability for recreational businesses because of inherent risk of some activities** (Heffley-R-Carbon); **Reduces liability for medical care providers by reinstating the ‘venue rule’** that requires medical malpractice complaints to go to courts in the county where the alleged incident occurred instead of attorneys’ venue-shopping for courts with rich plaintiff awards (Kauffman-R-Franklin).

- **Patient Rights: Informed consent** and addresses *Shinal v. Toms* Supreme Court decision not allowing medical staff to obtain consent (Schemel-R-Franklin); **Notifying those with Power Of Attorney (POA) about health insurance decisions by seniors** (B. Miller-R-Lancaster).
- **Physicians: Prohibiting the state and all municipalities from interfering with appropriate standards of care in areas such as abortion or gender-affirming care** (Frankel-D-Allegheny).
- **Prescription Drugs: Creates Pharmaceutical Affordability Board** which would set a maximum price for these drugs (Frankel-D-Allegheny); **Requires drug manufacturers, pharmacy benefit managers (PBMs) to disclose information** if requested and prohibits them from preventing pharmacists from sharing lower cost alternative drugs (Gaydos-R-Allegheny).
- **State Insurance Programs: State indemnification for grain farmers** affected by grain buyer bankruptcy (Rep. D. Williams-D-Allegheny).
- **Workers Compensation: Two sponsorship memos dealing with workplace misclassification** of employees versus independent contractors (Keefer-R-York).

Following are nine additional Senate sponsorship memos:

- **Buildings: Three bills requiring carbon monoxide detection systems** in hotels, child care facilities, college and university dorms, K-12 schools (Fontana-D-Allegheny); **Requires radon testing and remedial action** for schools, residential rental properties and newly constructed properties (Tartaglione-D-Phila.).
- **Mandated Health Insurance Coverage:** Mandates coverage for two HIV medications, PrEP and PEP, (Muth-D-Berks/Chester/Montgomery); Mandates coverage for approved obesity procedures including surgery, gastric band systems, FDA-approved weight loss drugs, nutrition counseling, etc. (Cappelletti-D-Delaware/Montgomery).
- **Health Insurance Co-pays: Inmates would not have co-pays** for incarceration health care (Bartolotta-R-Beaver/Greene/Washington).
- **Patient Rights:** Prohibits state agencies, political subdivisions and employers from **discriminating against, denying services, denying medical services or taking adverse employment action against individuals who decline a COVID-19 vaccination** (Mastriano-R-Franklin).
- **Physician Contracts: Restricts or eliminates no-compete clauses** in physician contracts (Brooks-R-Erie/Crawford/Mercer/Warren).
- **Prescription Drugs: Requires pharmacy benefit managers (PBMs) to count any amounts paid for by enrollees or others (drug manufacturer discounts)** as part of an enrollee's overall contribution to the plan's deductible or out of pocket limit (J. Ward-R-Blair).
- **Workers Compensation: Requires contractors to show proof of Workers Compensation Insurance** to the Office of Attorney General (Tartaglione-D-Phila.).

LEGISLATIVE UPDATES... The Republican-Democrat fight over control over the House has gone to court. That makes next week's election of the Speaker of the House of Representatives and selection of majority and minority committee chairs an 'interesting time'. ... Both sides have agreed to set February 7 as the date for a special election to fill the late Rep. Tony DeLuca's Allegheny County seat.

WORKERS COMP FILINGS

- The PA Compensation Rating Bureau (PCRB) filed C-381 Loss Cost which, if approved by the Insurance Department, would take effect April 1, 2023. It projects an overall 3.33% reduction from 2022. Details: www.pcrb.com (Filings).
- Department of Labor & Industry (L&I): The maximum 2023 weekly WC payments is \$1,273.00.
- L&I listed the range of Utilization Review Organizations and Peer Review Organizations fees in the December 17 PA Bulletin: www.pacodeandbulletin.gov.6
- L&I announced that it is using Merative Micromedex Red Book to determine the average wholesale price of prescription drugs.