AWP in Pennsylvania.

Pennsylvania has no any willing provider legislation in spite of multiple attempts since 1994 to pass it. An early concern with and possible impediment to AWP legislation was the possibility of ERISA (Employee Retirement Income Security Act of 1974) preemption, which would carve out from the legislation’s coverage all employer-sponsored plans, making it essentially irrelevant. However, a 2003 Supreme Court case, Kentucky Association of Health Plans, Inc. v. Miller, held that the Arkansas AWP law “regulated insurance” and, therefore, was not subject to ERISA preemption. Even after clarification of the ERISA preemption issue, no AWP legislation was passed by Pennsylvania or any other state since the Miller case. North Dakota, however, passed legislation this year to study the underlying issues that would determine the need for AWP legislation.

_The insurance lobby in Pennsylvania is so strong that even volunteer ambulance providers cannot get legislation passed to force insurance companies to honor valid assignment of health insurance claims and send checks to the ambulance company rather than to the patient._