

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

ANTHONY BURKE, BY HIS PNG JOHN BURKE,	:	No. 61 EAL 2016
	:	
Respondent	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court
	:	
v.	:	
	:	
INDEPENDENCE BLUE CROSS,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 15th day of June, 2016, the Petition for Allowance of Appeal is **GRANTED, LIMITED TO** the issues set forth below. Allocatur is **DENIED** as to the remaining issue. The issues, as stated by petitioner, are:

- (1) Whether, in an issue of first impression and of critical statewide importance, the Superior Court Majority violated longstanding precedent and deviated from existing law when it read out of Pennsylvania’s Autism Insurance Act a legislatively-created exception that permitted Independence, like all other insurers, to apply general policy exclusions when making coverage determinations for autism-based services?

- (2) Whether, in an issue of first impression and statewide importance, the Superior Court’s reliance on the Pennsylvania Insurance Department’s interpretation — which conflicts with the plain language of Act 62 — is erroneous and cannot be said to salvage the Superior Court Majority’s incorrect result?

The Application for Leave to File Post-Allocatur Communication in the Form of a Reply is **DENIED**.

Justice Wecht did not participate in the consideration or decision of this matter.