1 H. B. 2416	
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3 (By Delegates Ennis, Swartzmiller, Pethtel, 4 Perdue, Hatfield, Ashley and Border) 5	
6 [Introduced January 12, 2011; referred to the	
7 Committee on Banking and Insurance then the Ju	diciary.]
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9	
10 A BILL to amend the Code of West Virginia, 1931, as amo	ended, by
adding thereto a new section, designated §33-15-4k;	to amend
said code by adding thereto a new section, designate	d §33-16-
3v; and to amend said code by adding thereto a new	section,
designated §33-25A-8j, all relating to requiring acc	ident and
15 sickness insurance providers and health ma	intenance
organizations to cover the treatment for Lyme Disea	se.
17 Be it enacted by the Legislature of West Virginia:	
That the Code of West Virginia, 1931, as amended, b	e amended
19 by adding thereto a new section, designated §33-15-4k;	that said
20 code be amended by adding thereto a new section, designa	ted §33-
21 16-3v; and that said code be amended by adding there	to a new
22 section, designated §33-25A-8j, all to read as follows:	
23 ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.	
24 §33-15-4k. Policies to cover certain Lyme Disease treat	ments.
Any insurer who, on or after January 1, 2011, de	livers or

- 1 issues a policy of accident and sickness insurance in this state
- 2 under the provisions of this article shall make available as
- 3 benefits to all subscribers and members coverage for diagnostic
- 4 testing and long-term antibiotic treatment of chronic Lyme Disease
- 5 when determined to be medically necessary and ordered by a
- 6 physician after making a thorough evaluation of the patient's
- 7 symptoms, diagnostic test results and response to treatment.
- 8 Treatment otherwise eligible for benefits pursuant to this section
- 9 may not be denied solely because such treatment may be
- 10 characterized as unproven, experimental or investigational in
- 11 nature: Provided, That this section does not apply to insurance
- 12 coverage providing benefits for:
- 13 (1) Hospital confinement indemnity;
- 14 (2) Disability income;
- 15 (3) Accident only;
- 16 (4) Long-term care;
- 17 <u>(5) Medicare supplement;</u>
- 18 (6) Limited benefit health;
- 19 (7) Specified disease indemnity;
- 20 (8) Sickness or bodily injury or death by accident or both;
- 21 and
- 22 (9) Other limited benefit policies.
- 23 ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.
- 24 §33-16-3v. Policies to cover certain Lyme Disease treatments.

- 1 Any insurer who, on or after January 1, 2011, delivers or
- 2 issues a policy of group accident and sickness insurance in this
- 3 state under the provisions of this article shall make available as
- 4 benefits to all subscribers and members coverage for diagnostic
- 5 testing and long-term antibiotic treatment of chronic Lyme Disease
- 6 when determined to be medically necessary and ordered by a
- 7 physician after making a thorough evaluation of the patient's
- 8 symptoms, diagnostic test results and response to treatment.
- 9 Treatment otherwise eligible for benefits pursuant to this section
- 10 may not be denied solely because such treatment may be
- 11 characterized as unproven, experimental or investigational in
- 12 <u>nature: Provided</u>, That this section does not apply to insurance
- 13 coverage providing benefits for:
- 14 (1) Hospital confinement indemnity;
- 15 (2) Disability income;
- 16 (3) Accident only;
- 17 <u>(4) Long-term care;</u>
- 18 (5) Medicare supplement;
- 19 <u>(6) Limited benefit health;</u>
- 20 (7) Specified disease indemnity;
- 21 (8) Sickness or bodily injury or death by accident or both;
- 22 and
- 23 (9) Other limited benefit policies.
- 24 ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

1 §33-25A-8j. Required coverage for certain Lyme Disease treatments.

- 2 <u>A health maintenance organization issuing coverage in this</u>
- 3 state pursuant to the provisions of this article shall make
- 4 available as benefits to all subscribers and members coverage for
- 5 diagnostic testing and long-term antibiotic treatment of chronic
- 6 Lyme Disease when determined to be medically necessary and ordered
- 7 by a physician after making a thorough evaluation of the patient's
- 8 symptoms, diagnostic test results and response to treatment.
- 9 Treatment otherwise eligible for benefits pursuant to this section
- 10 may not be denied solely because such treatment may be
- 11 characterized as unproven, experimental or investigational in
- 12 nature: Provided, That this section does not apply to insurance
- 13 coverage providing benefits for:
- 14 (1) Hospital confinement indemnity;
- 15 (2) Disability income;
- 16 (3) Accident only;
- 17 (4) Long-term care;
- 18 (5) Medicare supplement;
- 19 <u>(6) Limited benefit health;</u>
- 20 (7) Specified disease indemnity;
- 21 (8) Sickness or bodily injury or death by accident or both;
- 22 and
- 23 (9) Other limited benefit policies.

NOTE: The purpose of this bill is to require accident and sickness insurance providers and health maintenance organizations to cover certain Lyme Disease treatments.

\$33-15-4k, \$33-16-3v and \$33-25A-8j are new; therefore, they have been completely underscored.