

Senate Bill No. 321

(By Senators Kessler (Acting President), Wells, Jenkins, Edgell,
Miller, Wills and Klempa)

[Introduced January 27, 2011; referred to the Committee on Health
and Human Resources; and then to the Committee on Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §33-15-22; to amend
said code by adding thereto a new section, designated §33-16-
18; and to amend said code by adding thereto a new section,
designated §33-16D-17, all relating to requiring health
insurers to provide full coverage for the prevention, early
detection, diagnosis and treatment of autism spectrum
disorder.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §33-15-22; that said
code be amended by adding thereto a new section, designated §33-16-
18; and that said code be amended by adding thereto a new section,
designated §33-16D-17, all to read as follows:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

1 **§33-15-22. Autism spectrum disorder full coverage.**

2 Every policy which provides coverage for hospital, surgical,
3 or medical care coverage shall include full coverage for the
4 prevention, early detection, diagnosis and treatment of autism
5 spectrum disorder, regardless of whether such prevention, early
6 detection, diagnosis or treatment methods are research based or
7 experimental. Each policy shall also provide full (in-state or in-
8 network) coverage for the prevention, early detection, diagnosis
9 and treatment of autism spectrum disorder even if the individual is
10 unable to receive a service, or treatment, within the State of West
11 Virginia and must receive this service, or treatment, from an out-
12 of-state provider. For purposes of this section, "autism spectrum
13 disorder" means a neurobiological condition that includes Autism,
14 ADD, ADHD, Asperger syndrome, Rett's syndrome, or pervasive
15 developmental disorder.

16 **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

17 **§33-16-18. Autism spectrum disorder full coverage.**

18 A group or blanket accident of health insurance policy or
19 issuing a group or blanket policy for delivery in this state which
20 provides coverage for hospital, surgical, or medical care coverage
21 shall include full coverage for the prevention, early detection,
22 diagnosis and treatment of autism spectrum disorder, regardless of
23 whether such prevention, early detection, diagnosis or treatment
24 methods are research based or experimental. Each policy shall also
25 provide full (in-state or in-network) coverage for the prevention,

1 early detection, diagnosis and treatment of autism spectrum
2 disorder even if the individual is unable to receive a service, or
3 treatment, within the State of West Virginia and must receive this
4 service, or treatment, from an out-of-state provider. For purposes
5 of this section, "autism spectrum disorder" means a neurobiological
6 condition that includes Autism, ADD, ADHD, Asperger syndrome,
7 Rett's Syndrome, or pervasive developmental disorder.

8 **ARTICLE 16D. MARKETING AND RATE PRACTICES FOR SMALL EMPLOYER**

9 **ACCIDENT AND SICKNESS INSURANCE POLICIES.**

10 **§33-16D-17. Autism spectrum disorder full coverage.**

11 A medical expense indemnity corporation, a hospital service
12 corporation or a health service corporation which provides coverage
13 for hospital, surgical, or medical care coverage shall include full
14 coverage for the prevention, early detection, diagnosis and
15 treatment of autism spectrum disorder, regardless of whether such
16 prevention, early detection, diagnosis or treatment methods are
17 research based or experimental. Each corporation shall also
18 provide full (in-state or in-network) coverage for the prevention,
19 early detection, diagnosis and treatment of autism spectrum
20 disorder even if the individual is unable to receive a service, or
21 treatment, within the State of West Virginia and must receive this
22 service, or treatment, from an out-of-state provider. For purposes
23 of this section, "autism spectrum disorder" means a neurobiological
24 condition that includes Autism, ADD, ADHD, Asperger syndrome,
25 Rett's syndrome, or pervasive developmental disorder.

NOTE: The purpose of this bill is to require health insurers to provide full coverage for the prevention, early detection, diagnosis and treatment of autism spectrum disorder.

These sections are new; therefore, strike-throughs and underscoring have been omitted.