

1 **ENGROSSED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4468**

5 (By Delegates Ferns, Cann, Fleischauer, Frazier,
6 Hall, Iaquinta, Manchin, Michael, Miley,
7 Nelson and Poore)

8 (Originating in the Committee on the Judiciary)

9 [February 24, 2012]

10

11 A BILL to amend and reenact §33-15-14 of the Code of West Virginia,
12 1931, as amended, to amend and reenact §33-16-10 of said code;
13 to amend and reenact §33-24-43 of said code; to amend and
14 reenact §33-25-20 of said code; and to amend and reenact
15 §33-25A-31 of said code, relating to prohibiting insurance
16 companies from discriminating against certain health care
17 providers; and proscribing discrimination by health care
18 providers.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §33-15-14 of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted; that §33-16-10 of said code be amended
22 and reenacted; that §33-24-43 of said code be amended and
23 reenacted; that §33-25-20 of said code be amended and reenacted;
24 and that §33-25A-31 of said code be amended and reenacted, all to
25 read as follows:

26

CHAPTER 33. INSURANCE.

1 **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

2 **§33-15-14. Policies discriminating among health care providers.**

3 Notwithstanding any other provisions of law, when any health
4 insurance policy, health care services plan or other contract
5 provides for the payment of medical expenses, benefits or
6 procedures, ~~such~~ the policy, plan or contract shall be construed to
7 include payment to all health care providers including, but not
8 limited to, medical physicians, osteopathic physicians, podiatric
9 physicians, chiropractic physicians, physical therapists,
10 occupational therapists, midwives, and nurse practitioners, and
11 their licensed assistants, who provide medical services, benefits
12 or procedures which are within the scope of each respective
13 provider's license and so long as the healthcare provider does not
14 discriminate, in any manner, against or refuse to treat any person
15 based upon the manner by which that person became injured or sick.
16 Any limitation or condition placed upon services, diagnoses or
17 treatment by, or payment to any particular type of licensed
18 provider shall apply equally to all types of licensed providers
19 without unfair discrimination as to the usual and customary
20 treatment procedures of any of the aforesaid providers.

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

22 **§33-16-10. Policies discriminating among health care providers.**

23 Notwithstanding any other provisions of law, when any health
24 insurance policy, health care services plan or other contract
25 provides for the payment of medical expenses, benefits or

1 procedures, such policy, plan or contract shall be construed to
2 include payment to all health care providers including, but not
3 limited to, medical physicians, osteopathic physicians, podiatric
4 physicians, chiropractic physicians, physical therapists,
5 occupational therapists, midwives, and nurse practitioners, and
6 their licensed assistants, who provide medical services, benefits
7 or procedures which are within the scope of each respective
8 provider's license and so long as the healthcare provider does not
9 discriminate, in any manner, against or refuse to treat any person
10 based upon the manner by which that person became injured or sick.
11 Any limitation or condition placed upon services, diagnoses or
12 treatment by, or payment to any particular type of licensed
13 provider shall apply equally to all types of licensed providers
14 without unfair discrimination as to the usual and customary
15 treatment procedures of any of the aforesaid providers.

16 **ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE**
17 **CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH SERVICE**
18 **CORPORATIONS.**

19 **§33-24-43. Policies discriminating among health care providers.**

20 Notwithstanding any other provisions of law, when any health
21 insurance policy, health care services plan or other contract
22 provides for the payment of medical expenses, benefits or
23 procedures, such policy, plan or contract shall be construed to
24 include payment to all health care providers including, but not
25 limited to, medical physicians, osteopathic physicians, podiatric

1 physicians, chiropractic physicians, physical therapists,
2 occupational therapists, midwives, ~~and~~ nurse practitioners, and
3 their licensed assistants, who provide medical services, benefits
4 or procedures which are within the scope of each respective
5 provider's license and so long as the healthcare provider does not
6 discriminate, in any manner, against or refuse to treat any person
7 based upon the manner by which that person became injured or sick.

8 Any limitation or condition placed upon services, diagnoses or
9 treatment by, or payment to any particular type of licensed
10 provider shall apply equally to all types of licensed providers
11 without unfair discrimination as to the usual and customary
12 treatment procedures of any of the aforesaid providers.

13 **ARTICLE 25. HEALTH CARE CORPORATIONS.**

14 **§33-25-20. Policies discriminating among health care providers.**

15 Notwithstanding any other provisions of law, when any health
16 insurance policy, health care services plan or other contract
17 provides for the payment of medical expenses, benefits or
18 procedures, such policy, plan or contract shall be construed to
19 include payment to all health care providers including, but not
20 limited to, medical physicians, osteopathic physicians, podiatric
21 physicians, chiropractic physicians, physical therapists,
22 occupational therapists, midwives, ~~and~~ nurse practitioners, and
23 their licensed assistants, who provide medical services, benefits
24 or procedures which are within the scope of each respective
25 provider's license and so long as the healthcare provider does not
26 discriminate, in any manner, against or refuse to treat any person

1 based upon the manner by which that person became injured or sick.

2 Any limitation or condition placed upon services, diagnoses or
3 treatment by, or payment to any particular type of licensed
4 provider shall apply equally to all types of licensed providers
5 without unfair discrimination as to the usual and customary
6 treatment procedures of any of the aforesaid providers.

7 **ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

8 **§33-25A-31. Policies discriminating among health care providers.**

9 Notwithstanding any other provisions of law, when any health
10 insurance policy, health care services plan or other contract
11 provides for the payment of medical expenses, benefits or
12 procedures, such policy, plan or contract shall be construed to
13 include payment to all health care providers including, but not
14 limited to, medical physicians, osteopathic physicians, podiatric
15 physicians, chiropractic physicians, physical therapists,
16 occupational therapists, midwives, and nurse practitioners, and
17 their licensed assistants, who provide medical services, benefits
18 or procedures which are within the scope of each respective
19 provider's license and so long as the healthcare provider does not
20 discriminate, in any manner, against or refuse to treat any person
21 based upon the manner by which that person became injured or sick.

22 Any limitation or condition placed upon services, diagnoses or
23 treatment by, or payment to any particular type of licensed
24 provider shall apply equally to all types of licensed providers
25 without unfair discrimination as to the usual and customary
26 treatment procedures of any of the aforesaid providers.

