

**H. B. 3147**

(By Delegates Ellington, Gearheart and Shott)  
[Introduced March 25, 2013; referred to the  
Committee on Health and Human Resources then Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7f; to amend said code by adding thereto a new section, designated §9-5-22; and to amend said code by adding thereto a new section, designated §33-16-3w, all relating to requiring health insurance coverage for eosinophilic disorders; requiring the Public Employees Insurance Agency to provide coverage for eosinophilic disorders; requiring group accident and sickness insurance to provide coverage for eosinophilic disorders; and requiring the state Medicaid program to provide coverage for eosinophilic disorders.

*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 §5-16-7f; that said code be amended by adding thereto a new section, designated §9-5-

1 22; and that said code be amended by adding thereto a new section,  
2 designated §33-16-3w, all to read as follows:

3       **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**  
4               **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD**  
5               **OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS,**  
6               **OFFICES, PROGRAMS, ETC.**

7 **ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

8 **§5-16-7f. Required coverage for eosinophilic disorders.**

9       (a) The agency shall provide coverage for the diagnosis and  
10 treatment of eosinophilic disorders. To the extent that the  
11 diagnosis of eosinophilic disorders and the treatment of  
12 eosinophilic disorders are not already covered by the agency,  
13 coverage under this section shall be included in health insurance  
14 policies that are delivered, executed, issued, amended, adjusted or  
15 renewed in this state, or outside this state if insuring residents  
16 of this state, on or after the effective date of the enactment of  
17 this section during the 2013 regular session of the Legislature.  
18 The agency may not terminate coverage or refuse to deliver,  
19 execute, issue, amend, adjust or renew coverage to an individual  
20 solely because the individual is diagnosed with one of the  
21 eosinophilic disorders, has received treatment for eosinophilic  
22 disorders or is at risk for a diagnosis of eosinophilic disorders.

23       (b) Eosinophilic disorders occur when eosinophils, a type of

1 white blood cell, are found in above-normal amounts in various  
2 parts of the body. When the body wants to attack a substance, such  
3 as an allergy-triggering food or airborne allergen, eosinophils  
4 respond by moving into the area and releasing a variety of toxins.  
5 However, when the body produces too many eosinophils, they can  
6 cause chronic inflammation, resulting in tissue damage. These rare  
7 diseases are diagnosed according to where the elevated levels of  
8 eosinophils are found and include:

9 (1) Eosinophilic esophagitis (esophagus);

10 (2) Eosinophilic gastritis (stomach);

11 (3) Eosinophilic enteritis (small intestine);

12 (4) Eosinophilic colitis (large intestine); and

13 (5) Hypereosinophilic syndrome (blood and any organ).

14 **CHAPTER 9. HUMAN SERVICES.**

15 **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

16 **§9-5-22. Medicaid; required coverage for eosinophilic disorders.**

17 (a) The Department of Health and Human Resources shall provide  
18 coverage for the diagnosis and treatment of eosinophilic disorders  
19 to enrollees in the Medicaid program. To the extent that the  
20 diagnosis of eosinophilic disorders and the treatment of  
21 eosinophilic disorders are not already covered by the agency,  
22 coverage under this section shall be included in health insurance  
23 policies that are delivered, executed, issued, amended, adjusted or

1 renewed in this state, or outside this state if insuring residents  
2 of this state, on or after the effective date of the enactment of  
3 this section during the 2013 regular session of the Legislature.

4 The agency may not terminate coverage, or refuse to deliver,  
5 execute, issue, amend, adjust or renew coverage to an individual  
6 solely because the individual is diagnosed with one of the  
7 eosinophilic disorders, has received treatment for eosinophilic  
8 disorders, or is at risk for a diagnosis of eosinophilic disorders.

9 (b) Eosinophilic disorders occur when eosinophils, a type of  
10 white blood cell, are found in above-normal amounts in various  
11 parts of the body. When the body wants to attack a substance, such  
12 as an allergy-triggering food or airborne allergen, eosinophils  
13 respond by moving into the area and releasing a variety of toxins.  
14 However, when the body produces too many eosinophils, they can  
15 cause chronic inflammation, resulting in tissue damage. These rare  
16 diseases are diagnosed according to where the elevated levels of  
17 eosinophils are found and include:

18 (1) Eosinophilic esophagitis (esophagus);

19 (2) Eosinophilic gastritis (stomach);

20 (3) Eosinophilic enteritis (small intestine);

21 (4) Eosinophilic colitis (large intestine); and

22 (5) Hypereosinophilic syndrome (blood and any organ).

23 **CHAPTER 33. INSURANCE.**

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

1 §33-16-3w. Requirements for coverage of eosinophilic disorders.

2       (a) A health insurance policy issued pursuant to the  
3 provisions of this chapter, except supplemental health insurance,  
4 shall provide coverage for the diagnosis of and treatment of  
5 eosinophilic disorders. To the extent that the diagnosis of  
6 eosinophilic disorders and the treatment of eosinophilic disorders  
7 are not already covered by a health insurance policy, coverage  
8 under this section will be included in health insurance policies  
9 that are delivered, executed, issued, amended, adjusted or renewed  
10 in this state, or outside this state if insuring residents of this  
11 state, on or after sixty days from the effective date of this  
12 section. No insurer may terminate coverage, or refuse to deliver,  
13 execute, issue, amend, adjust or renew coverage to an individual  
14 solely because the individual is diagnosed with one of the  
15 eosinophilic disorders or has received treatment for eosinophilic  
16 disorders.

17       (b) Eosinophilic disorders occur when eosinophils, a type of  
18 white blood cell, are found in above-normal amounts in various  
19 parts of the body. When the body wants to attack a substance, such  
20 as an allergy-triggering food or airborne allergen, eosinophils  
21 respond by moving into the area and releasing a variety of toxins.  
22 However, when the body produces too many eosinophils, they can  
23 cause chronic inflammation, resulting in tissue damage. These rare  
24 diseases are diagnosed according to where the elevated levels of

1 eosinophils are found and include:

2       (1) Eosinophilic esophagitis (esophagus);

3       (2) Eosinophilic gastritis (stomach);

4       (3) Eosinophilic enteritis (small intestine);

5       (4) Eosinophilic colitis (large intestine); and

6       (5) Hypereosinophilic syndrome (blood and any organ).

NOTE: The purpose of this bill is to require the Public Employees Insurance Agency, group accident and sickness insurance and the state Medicaid program to provide coverage for eosinophilic disorders.

These sections are new; therefore, they have been completely underscored.