

**H. B. 4422**

(By Delegates Manchins Caputo, Longstreth,  
Fragale, Jones, Diserio, Pethtel, Manypenny,  
Ferro, D. Poling and Marcum)

[Introduced February 6, 2014; referred to the  
Committee on Health & Human Resources then the  
Judiciary.]

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  
§33-15-22; to amend said code by adding thereto a new section,  
designated §33-16-18; to amend said code by adding thereto a  
new section, designated §33-16D-17; to amend said code by  
adding thereto a new section, designated §33-24-7l; to amend  
said code by adding thereto a new section, designated  
§33-25-8i; and to amend said code by adding thereto a new  
section, designated §33-25A-8k, all relating to copayments  
required in certain policies, provisions, contracts, plans or  
agreements to provide health care benefits; providing that a  
copayment imposed for services rendered by a licensed  
occupational therapist, licensed speech-language pathologist  
or licensed physical therapist may not exceed a copayment  
imposed for the services of a primary care physician or an

1 osteopathic physician; and prohibiting discrimination based  
2 upon the manner or cause of injury or condition.

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

4 That the Code of West Virginia, 1931, as amended, be amended  
5 by adding thereto a new section, designated §5-16-7F; to amend said  
6 code by adding thereto a new section, designated §33-15-22; to  
7 amend said code by adding thereto a new section designated  
8 §33-16-18; to amend said code by adding thereto a new section,  
9 designated §33-16D-17; to amend said code by adding thereto a new  
10 section designated §33-24-71; to amend said code by adding thereto  
11 a new section designated §33-25-8i; and to amend said code by  
12 adding thereto a new section designated §33-25A-8k, all to read as  
13 follows:

14 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY**  
15 **OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**  
16 **MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES,**  
17 **PROGRAMS, ETC.**

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

19 **§5-16-7f. Copayments.**

20 (a) A policy, provision, contract, plan or agreement subject  
21 to this article may not impose a copayment upon an individual for  
22 services rendered by a licensed occupational therapist, licensed  
23 speech-language pathologist or a licensed physical therapist that

1 is in excess of a copayment imposed upon an individual for the  
2 services of a primary care physician or an osteopathic physician.

3 (b) As used in this section, "copayment" means a specific  
4 dollar amount that the covered individual must pay as a share of  
5 the cost of the services upon receipt of the covered services.

6 (c) The policy, provision, contract, plan or agreement shall  
7 clearly state the availability of occupational therapy, speech  
8 language therapy and physical therapy coverage and all related  
9 limitations, conditions and exclusions.

10 (d) A healthcare provider may not discriminate against or  
11 refuse treatment to a patient based upon the manner or cause of  
12 injury or condition necessitating the healthcare treatment sought.

### 13 **CHAPTER 33. INSURANCE.**

#### 14 **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

##### 15 **§33-15-22. Copayments.**

16 (a) A policy, contract, plan or agreement subject to this  
17 article may not impose a copayment upon an insured for services  
18 rendered by a licensed occupational therapist, licensed  
19 speech-language pathologist or a licensed physical therapist that  
20 is in excess of a copayment imposed upon the insured for the  
21 services of a primary care physician or an osteopathic physician.

22 (b) As used in this section, "copayment" means a specific  
23 dollar amount that the insured or subscriber must pay as a share of  
24 the cost of the services upon receipt of the covered services.

1       (c) The policy or plan shall clearly state the availability of  
2 occupational therapy, speech language therapy and physical therapy  
3 coverage and all related limitations, conditions and exclusions.

4       (d) A healthcare provider may not discriminate against or  
5 refuse treatment to a patient based upon the manner or cause of  
6 injury or condition necessitating the healthcare treatment sought.

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

8 **§33-16-18. Copayments.**

9       (a) A group health plan, health benefit plan or network plan  
10 subject to this article may not impose a copayment upon an insured  
11 for services rendered by a licensed occupational therapist,  
12 licensed speech-language pathologist or a licensed physical  
13 therapist that is in excess of a copayment imposed upon the  
14 insured for the services of a primary care physician or an  
15 osteopathic physician.

16       (b) As used in this section, "copayment" means a specific  
17 dollar amount that the insured or subscriber must pay as a share of  
18 the cost of the services upon receipt of the covered services.

19       (c) The policy or plan shall clearly state the availability of  
20 occupational therapy, speech language therapy and physical therapy  
21 coverage and all related limitations, conditions and exclusions.

22       (d) A healthcare provider may not discriminate against or  
23 refuse treatment to a patient based upon the manner or cause of  
24 injury or condition necessitating the healthcare treatment sought.

1 **ARTICLE 16D. MARKETING AND RATE PRACTICES FOR SMALL EMPLOYER**  
2 **ACCIDENT AND SICKNESS INSURANCE POLICIES.**

3 **§33-16D-17. Copayments.**

4 (a) A group health plan, health benefit plan or network plan  
5 subject to this article may not impose a copayment upon an insured  
6 for services rendered by a licensed occupational therapist,  
7 licensed speech-language pathologist or a licensed physical  
8 therapist that is in excess of a copayment imposed upon the  
9 insured for the services of a primary care physician or an  
10 osteopathic physician.

11 (b) As used in this section, "copayment" means a specific  
12 dollar amount that the insured or subscriber must pay as a share of  
13 the cost of the services upon receipt of the covered services.

14 (c) The group health plan, health benefit plan or network plan  
15 shall clearly state the availability of occupational therapy,  
16 speech language therapy and physical therapy coverage under its  
17 plan and all related limitations, conditions and exclusions.

18 (d) A healthcare provider may not discriminate against or  
19 refuse treatment to a patient based upon the manner or cause of  
20 injury or condition necessitating the healthcare treatment sought.

21 **ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE**  
22 **CORPORATIONS, DENTAL SERVICE CORPORATIONS AND**  
23 **HEALTH SERVICE CORPORATIONS.**

1 **§33-24-71. Copayments.**

2 (a) A policy, provision, contract, plan or agreement subject  
3 to this article may not impose a copayment upon a subscriber for  
4 services rendered by a licensed occupational therapist, licensed  
5 speech-language pathologist or a licensed physical therapist that  
6 is in excess of a copayment imposed upon a subscriber for the  
7 services of a primary care physician or an osteopathic physician.

8 (b) As used in this section, "copayment" means a specific  
9 dollar amount that the insured or subscriber must pay as a share of  
10 the cost of the services upon receipt of the covered services.

11 (c) The policy, provision, contract, plan or agreement shall  
12 clearly state the availability of occupational therapy, speech  
13 language therapy and physical therapy coverage and all related  
14 limitations, conditions and exclusions.

15 (d) A healthcare provider may not discriminate against or  
16 refuse treatment to a patient based upon the manner or cause of  
17 injury or condition necessitating the healthcare treatment sought.

18 **ARTICLE 25. HEALTH CARE CORPORATIONS.**

19 **§33-25-8i. Copayments.**

20 (a) A policy, provision, contract, plan or agreement subject  
21 to this article may not impose a copayment upon a subscriber or  
22 member for services rendered by a licensed occupational therapist,  
23 licensed speech-language pathologist or a licensed physical  
24 therapist that is in excess of a copayment imposed upon a

1 subscriber or member for the services of a primary care physician  
2 or an osteopathic physician.

3 (b) As used in this section, "copayment" means a specific  
4 dollar amount that the subscriber or member must pay as a share of  
5 the cost of the services upon receipt of the covered services.

6 (c) The policy, provision, contract, plan or agreement shall  
7 clearly state the availability of occupational therapy, speech  
8 language therapy and physical therapy coverage and all related  
9 limitations, conditions and exclusions.

10 (d) A healthcare provider may not discriminate against or  
11 refuse treatment to a patient based upon the manner or cause of  
12 injury or condition necessitating the healthcare treatment sought.

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

14 **§33-25A-8k. Copayments.**

15 (a) A policy, provision, contract, plan or agreement subject  
16 to this article may not impose a copayment upon a subscriber or  
17 member for services rendered by a licensed occupational therapist,  
18 licensed speech-language pathologist or a licensed physical  
19 therapist that is in excess of a copayment imposed upon a  
20 subscriber or member for the services of a primary care physician  
21 or an osteopathic physician.

22 (b) As used in this section, "copayment" means a specific  
23 dollar amount that the subscriber or member must pay as a share of  
24 the cost of the services upon receipt of the covered services.

1       (c) The policy, provision, contract, plan or agreement shall  
2 clearly state the availability of occupational therapy, speech  
3 language therapy and physical therapy coverage and all related  
4 limitations, conditions and exclusions.

5       (d) A healthcare provider may not discriminate against or  
6 refuse treatment to a patient based upon the manner or cause of  
7 injury or condition necessitating the healthcare treatment sought.

NOTE: The purpose of this bill is to require that a copayment to a licensed occupational therapist, licensed speech-language pathologist or a licensed physical therapist be the same as to a physician or osteopath. The bill also prohibits health care providers from discriminating against or refusing treatment to a patient based upon the manner or cause of injury or condition necessitating the treatment sought.

All sections in this bill are new; therefore, they have been completely underscored.