

**H. B. 2860**

(By Delegates Manchin, Caputo and Longstreth)

[Introduced February 20, 2015; referred to the

Committee on Health and Human Resources then the Judiciary.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
11 designated §5-16-7f; to amend said code by adding thereto a new section, designated  
12 §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to  
13 amend said code by adding thereto a new section, designated §33-16D-17; to amend said  
14 code by adding thereto a new section, designated §33-24-7m; to amend said code by adding  
15 thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new  
16 section, designated §33-25A-8l, all relating to copayments required in certain policies,  
17 provisions, contracts, plans or agreements to provide health care benefits; providing that a  
18 copayment imposed for services rendered by a licensed occupational therapist, licensed  
19 speech-language pathologist or licensed physical therapist may not exceed a copayment  
20 imposed for the services of a primary care physician or an osteopathic physician; and  
21 prohibiting discrimination based upon the manner or cause of injury or condition.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §5-16-7f; to amend said code by adding thereto a new section, designated  
3 §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said  
4 code by adding thereto a new section, designated §33-16D-17; to amend said code by adding thereto  
5 a new section designated §33-24-7m; to amend said code by adding thereto a new section, designated  
6 §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all to  
7 read as follows:

8 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**  
9 **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF**  
10 **PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS,**  
11 **OFFICES, PROGRAMS, ETC.**

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

13 **§5-16-7f. Copayments nondiscrimination.**

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

18 (b) As used in this section, “copayment” means a specific dollar amount that the covered  
19 individual must pay as a share of the cost of the services upon receipt of the covered services.

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

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

3 **CHAPTER 33. INSURANCE.**

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

5 **§33-15-22. Copayments; nondiscrimination.**

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

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

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

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

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

18 **§33-16-18. Copayments; nondiscrimination.**

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

1        (b) As used in this section, “copayment” means a specific dollar amount that the insured or  
2 subscriber must pay as a share of the cost of the services upon receipt of the covered services.

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

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

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

10 **§33-16D-17. Copayments; nondiscrimination.**

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

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

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

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

22 **ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE**

1                                   **CORPORATIONS, DENTAL SERVICE CORPORATIONS AND**  
2                                   **HEALTH SERVICE CORPORATIONS.**

3 **§33-24-7m. Copayments; nondiscrimination.**

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

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

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

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

15 **ARTICLE 25. HEALTH CARE CORPORATIONS.**

16 **§33-25-8j. Copayments; nondiscrimination.**

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

22           (b) As used in this section, “copayment” means a specific dollar amount that the subscriber

1 or member must pay as a share of the cost of the services upon receipt of the covered services.

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

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

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

8 **§33-25A-8I. Copayments; nondiscrimination.**

9 (a) A policy, provision, contract, plan or agreement subject to this article may not impose a  
10 copayment upon a subscriber or member for services rendered by a licensed occupational therapist,  
11 licensed speech-language pathologist or a licensed physical therapist that is in excess of a copayment  
12 imposed upon a subscriber or member for the services of a primary care physician or an osteopathic  
13 physician.

14 (b) As used in this section, “copayment” means a specific dollar amount that the subscriber  
15 or member must pay as a share of the cost of the services upon receipt of the covered services.

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

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