

**Senate Bill No. 28**

(By Senator D. Hall)

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[Introduced January 14, 2015; referred to the Committee on Health and Human Resources; and

then to the Committee on Finance.]

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**FISCAL  
NOTE**

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 §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; to amend said code by adding thereto a new section, designated §33-24-7m; to amend said code by adding thereto a new section, designated §33-25-8j; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating generally to requiring health insurance coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar device or method, when determined to be medically suitable treatment for pain.

*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

1 §33-15-4l; that said code be amended by adding thereto a new section, designated §33-16-3x; that  
2 said code be amended by adding thereto a new section, designated §33-24-7m; that said code be  
3 amended by adding thereto a new section, designated §33-25-8j; and that said code be amended by  
4 adding thereto a new section, designated §33-25A-8l, all to read as follows:

5 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**

6 **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC**

7 **WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS,**

8 **ETC.**

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

10 **§5-16-7f. Required coverage for nonnarcotic pain relief systems.**

11 Notwithstanding any provision of any policy, provision, contract, plan or agreement  
12 applicable to this article, any entity regulated by this article shall, beginning July 1, 2015, provide  
13 coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and  
14 continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar  
15 device or method, when determined to be a medically suitable treatment for pain.

16 **CHAPTER 33. INSURANCE.**

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

18 **§33-15-4l. Required coverage for nonnarcotic pain relief systems.**

19 Notwithstanding any provision of any policy, provision, contract, plan, or agreement  
20 applicable to this article, any entity regulated by this article shall, beginning July 1, 2015, provide  
21 coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and  
22 continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar

1 device or method, when determined to be a medically suitable treatment for pain.

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

3 **§33-16-3x. Required coverage for nonnarcotic pain relief systems.**

4 Notwithstanding any provision of any policy, provision, contract, plan, or agreement  
5 applicable to this article, any entity regulated by this article shall, beginning July 1, 2015, provide  
6 coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and  
7 continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar  
8 device or method, when determined to be a medically suitable treatment for pain.

9 **ARTICLE 24. HOSPITAL MEDICAL AND DENTAL CORPORATIONS.**

10 **§33-24-7m. Required coverage for nonnarcotic pain relief systems.**

11 Notwithstanding any provision of any policy, provision, contract, plan, or agreement  
12 applicable to this article, any entity regulated by this article shall, beginning July 1, 2015, provide  
13 coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and  
14 continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar  
15 device or method, when determined to be a medically suitable treatment for pain.

16 **ARTICLE 25. HEALTH CARE CORPORATION.**

17 **§33-25-8j. Required coverage for nonnarcotic pain relief systems.**

18 Notwithstanding any provision of any policy, provision, contract, plan, or agreement  
19 applicable to this article, any entity regulated by this article shall, beginning July 1, 2015, provide  
20 coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and  
21 continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar  
22 device or method, when determined to be a medically suitable treatment for pain.

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

2 **§33-25A-8I. Required coverage for nonnarcotic pain relief systems.**

3           Notwithstanding any provision of any policy, provision, contract, plan, or agreement  
4 applicable to this article, any entity regulated by this article shall, beginning July 1, 2015, provide  
5 coverage for nonnarcotic pain relief systems, driven by an elastomeric pump that automatically and  
6 continuously delivers local anesthetic by way of a catheter for targeted pain relief, or other similar  
7 device or method, when determined to be a medically suitable treatment for pain.

NOTE: The purpose of this bill is to require health insurers and PEIA to cover nonnarcotic pain relief systems, driven by elastomeric pumps that automatically and continuously deliver local anesthetic by way of catheters for targeted pain relief, or other similar device or method, when determined to be a medically suitable treatment for pain.

All sections in this bill are new; therefore, strike-throughs and underscoring have been omitted.