

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2120**

BY DELEGATES FLEISCHAUER, WALKER, BARACH,

HANSEN AND ROWE

[Introduced February 10, 2021; Referred to the  
Committee on Banking and Insurance then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §33-15-4x, relating to health insurance and ensuring coverage for residents  
3 with preexisting conditions.

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

## **ARTICLE 15. GENERAL PROVISIONS.**

### **§33-15-4x. Preexisting condition coverage.**

1 (a) Notwithstanding any provision of any policy, contract, plan, or agreement applicable to  
2 this article, no health insurance policy issued on, or after, the passage of this section may be  
3 issued in this state establishing a preexisting condition limitation: *Provided*, That the underwriting  
4 of such constricts may utilize “community rated” limitations and conditions as defined in this  
5 section.

6 (b) Once accepted for coverage, an individual or small group may not be terminated by  
7 the insurer due to claims experience. Termination of coverage for individuals or small groups shall  
8 be based only on one or more of the reasons set forth in §33-15-2b of this code.

9 (c) For the purposes of this section, “community rated” means a rating methodology in  
10 which the premium for all persons covered by a policy or contract form is the same, based on the  
11 experience of the entire pool of risks of all individuals or small groups covered by the corporation  
12 without regard to sex, age, health status, tobacco usage, or occupation excluding those  
13 individuals or small groups covered by Medicare supplemental insurance.

14 (d) Coverage required under this section may not be subject to exclusions or limitations  
15 including costs which are not applied to other policies of coverage.

NOTE: The purpose of this bill is to ensure health insurance coverage for residents with preexisting conditions and to ensure that their costs are the same as the general population.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.