

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 559

BY SENATORS TAKUBO, STOLLINGS, WOELFEL, CAPUTO,

BALDWIN, AND LINDSAY

[Introduced February 02, 2022; referred

to the Committee on Health and Human

Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §33-61-1, all related to requiring health benefit plan coverage for medically
 3 necessary dental procedures that result from cancer treatment; creating the Oral Health
 4 and Cancer Rights Act; setting forth legislative intent; explaining scope of procedures
 5 covered as a result of certain cancer treatments; requiring use of specific billing identifier;
 6 and setting an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 61. ORAL HEALTH AND CANCER RIGHTS ACT.

**§33-61-1. Oral health and cancer rights act; dental and medical oral health coverage
 required; use of specific billing identifier; and effective date.**

1 (a) This article shall be known and may be cited as the Oral Health and Cancer Rights
 2 Act.

3 (b) It is the intent of the Legislature to require health benefit plan coverage for all cancer-
 4 related dental and oral health procedures that are part of a patient’s cancer care or survivorship
 5 plan in a manner determined in consultation with the attending healthcare provider and the
 6 patient.

7 (c) Every health benefit plan offered by an insurer shall provide coverage for oral health
 8 procedures that are necessary to receive or are the result of cancer treatments including surgery,
 9 chemotherapy, biotherapy, pharmacology, immunotherapy, or radiation.

10 (d) The coverage required under this section shall include evaluations, examinations,
 11 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,
 12 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial
 13 function associated with eating, breathing, voice, speech, and swallowing related to a cancer
 14 diagnosis.

15 (e) All cancer-related dental and oral health procedures that are part of a patient’s care or
 16 survivorship plan as determined in consultation with the attending healthcare provider shall be

17 billed using the billing identifier “West Virginia Code §33-61-1” in conjunction with each applicable
18 Current Procedural Terminology (CPT), Healthcare Common Procedure Coding System
19 (HCPCS), or other applicable medical billing code. The identifier signifies eligibility of coverage
20 for all clinical service billing codes used for dental or medical oral health, evaluations,
21 examinations, patient education, laboratory assessments, medications, treatments, restoration,
22 rehabilitation, medical devices, and prosthesis needed to obtain cancer treatment or to restore
23 whole or partial function associated with eating, breathing, voice, speech, and swallowing related
24 to a cancer diagnosis. Procedures or visits billed with this identifier are considered covered
25 services as outlined in this section.

26 (f) This article becomes effective July 1, 2022, and applies to all health insurance
27 contracts that are nonexempt from the Affordable Care Act.

NOTE: The purpose of this bill relates to requiring health benefit plan coverage for medically necessary dental procedures that result from cancer treatment. The bill creates the Oral Health and Cancer Rights Act; sets forth legislative intent; explains the scope of procedures covered as a result of certain cancer treatments; requires the use of a specific billing identifier; and sets an effective date.

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