

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4997

By Delegates Rohrbach, Willis, Stephens, Sheedy,
Barnhart, E. Pritt, Chiarelli, Maynor, Cannon,
Shamblin, and W. Hall

[Introduced January 22, 2024; Referred to the
Committee on Banking and Insurance then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §5-16-8b; to amend said code by adding thereto a new section, designated
 3 §33-15-24 ; to amend said code by adding thereto a new section, designated §33-16-20; to
 4 amend said code by adding thereto a new section, designated §33-24-15; and to amend
 5 said code by adding thereto a new section designated §33-25-23 and to amend said code
 6 by adding thereto a new section designated §33-25A-37, all relating to requiring
 7 habilitative speech therapy as a treatment for stuttering insurance coverage.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-8b. Habilitative services, habilitative speech therapy as a treatment for stuttering.

1 (a) On or after July 1, 2024, A policy, plan or contract subject to this article shall provide
 2 coverage for patient cost to a member in habilitative speech therapy as a treatment for stuttering.

3 (b) As used in this section:

4 "Habilitative services" means health care services that help a person keep, learn, or
 5 improve skills and functioning for daily living;

6 "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or
 7 improve skills and functioning for daily living;

8 "Rehabilitative services" means health care services that help a person restore or improve
 9 skills and functioning for daily living that have been lost or impaired; and

10 "Rehabilitative speech therapy" means speech therapy that helps a person restore or
11 improve skills and functioning for daily living that have been lost or impaired.

12 (c) Any health insurance policy, certificate, plan, or contract, including but not limited to a
13 health benefit plan, that provides coverage for:

14 (1) Habilitative services, shall provide coverage for habilitative speech therapy as a
15 treatment for stuttering, regardless of whether the stuttering is classified as developmental;

16 (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a
17 treatment for stuttering; or

18 (3) Both habilitative services and rehabilitative services, shall provide the coverage
19 required this section.

20 (d) The coverage required under this section may not be:

21 (1) Subject to any maximum annual benefit limit, including any limits on the number of
22 visits an insured may make to a speech-language pathologist;

23 (2) Limited based on the type of disease, injury, disorder, or other medical condition that
24 resulted in the stuttering; or

25 (3) Subject to utilization review or utilization management requirements, including prior
26 authorization or a determination that the speech therapy services are medically necessary; and

27 (4) Include coverage for speech therapy provided in person and via telehealth.

28 (e) The telehealth coverage required under this paragraph shall:

29 (1).Be not less than the coverage required for health benefit plans under this article and

30 (2) Include the use of any communication technology, application, or platform to deliver
31 telehealth services, except coverage may be restricted to technology, applications, or platforms
32 that are compliant with any applicable privacy provisions of the federal Health Insurance
33 Portability and Accountability Act of 1996, 42 17 U.S.C. sec. 1320d et seq., as amended.

34 (f) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9 of
 35 this code, including, but not limited to, his or her authority to manage provider contracting and
 36 payments and to designate covered and noncovered services.

37 (g) This section does not limit the authority of the director, the plan, or the plans under §5-
 38 16-11 of this code.

39 h) Notwithstanding any provision of this code to the contrary, wherever 49 U.S.C.
 40 §41713(b) applies to the reimbursement of air ambulance providers under §5-16-8a of this code,
 41 the provisions of this code, including any administrative, civil, or criminal penalties, are
 42 inapplicable.

CHAPTER33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-24. Physical therapy, speech, and occupational therapy be covered by all accident and sickness insurance policies.

1 (a) Any insurer who, on or after July 1, 2024, delivers or issues a policy of accident and
 2 sickness insurance in this state under the provisions of this article shall make available as benefits
 3 to all subscribers and members coverage on an expense-incurred basis and individual and group
 4 service or indemnity type contracts issued by a nonprofit corporation shall provide coverage for
 5 patient cost to a member in habilitative speech therapy as a treatment for stuttering.

6 (b) As used in this section:

7 "Habilitative services" means health care services that help a person keep, learn, or
 8 improve skills and functioning for daily living;

9 "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or
 10 improve skills and functioning for daily living;

11 "Rehabilitative services" means health care services that help a person restore or improve
 12 skills and functioning for daily living that have been lost or impaired; and

13 "Rehabilitative speech therapy" means speech therapy that helps a person restore or
14 improve skills and functioning for daily living that have been lost or impaired.

15 (1) Habilitative services, shall provide coverage for habilitative speech therapy as a
16 treatment for stuttering, regardless of whether the stuttering is classified as developmental;

17 (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a
18 treatment for stuttering; or

19 (3) Both habilitative services and rehabilitative services, shall provide the coverage
20 required this section.

21 (c) The coverage required under this section may not be:

22 (1) Subject to any maximum annual benefit limit, including any limits on the number of visits
23 an insured may make to a speech-language pathologist;

24 (2) Limited based on the type of disease, injury, disorder, or other medical condition that
25 resulted in the stuttering; or

26 (3) Subject to utilization review or utilization management requirements, including prior
27 authorization or a determination that the speech therapy services are medically necessary; and

28 (4) Include coverage for speech therapy provided in person and via telehealth.

29 (d) The telehealth coverage required under this paragraph shall:

30 (1).Be not less than the coverage required for health benefit plans under this article and

31 (2) Include the use of any communication technology, application, or platform to deliver
32 telehealth services, except coverage may be restricted to technology, applications, or platforms
33 that are compliant with any applicable privacy provisions of the federal Health Insurance
34 Portability and Accountability Act of 1996, 42 17 U.S.C. sec. 1320d et seq., as amended.

35 (e) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9
36 of this code, including, but not limited to, his or her authority to manage provider contracting and
37 payments and to designate covered and noncovered services.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-20. Rehabilitative speech therapy as a treatment for stuttering.

1 (a) All policies issued pursuant to this article shall cover patient cost rehabilitative speech
2 therapy as a treatment for stuttering. These services shall be exempt from any deductible, for a
3 visit charge and/or copayment provisions which may be in force in these policies or contracts. This
4 section does not require that other health care services provided be exempt from any deductible
5 and/or copayment provisions.

6 (b) As used in this section:

7 "Habilitative services" means health care services that help a person keep, learn, or
8 improve skills and functioning for daily living;

9 "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or
10 improve skills and functioning for daily living;

11 "Rehabilitative services" means health care services that help a person restore or improve
12 skills and functioning for daily living that have been lost or impaired; and

13 "Rehabilitative speech therapy" means speech therapy that helps a person restore or
14 improve skills and functioning for daily living that have been lost or impaired.

15 (c) Any accident and sickness insurance in this state certificate, plan, or contract, including
16 but not limited to a health benefit plan, that provides coverage for:

17 (1) Habilitative services, shall provide coverage for habilitative speech therapy as a
18 treatment for stuttering, regardless of whether the stuttering is classified as developmental;

19 (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a
20 treatment for stuttering; or

21 (3) Both habilitative services and rehabilitative services, shall provide the coverage
22 required this section.

23 (d) The coverage required under this section may not be:

24 (1) Subject to any maximum annual benefit limit, including any limits on the number of visits
25 an insured may make to a speech-language pathologist;

26 (2) Limited based on the type of disease, injury, disorder, or other medical condition that
27 resulted in the stuttering; or

28 (3) Subject to utilization review or utilization management requirements, including prior
29 authorization or a determination that the speech therapy services are medically necessary; and

30 (4) Include coverage for speech therapy provided in person and via telehealth.

31 (e) The telehealth coverage required under this paragraph shall:

32 (1) Be not less than the coverage required for health benefit plans under this article and

33 (2) Include the use of any communication technology, application, or platform to deliver
34 telehealth services, except coverage may be restricted to technology, applications, or platforms
35 that are compliant with any applicable privacy provisions of the federal Health Insurance
36 Portability and Accountability Act of 1996, 42 17 U.S.C. sec. 1320d et seq., as amended.

37 (f) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9 of
38 this code, including, but not limited to, his or her authority to manage provider contracting and
39 payments and to designate covered and noncovered services.

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

§33-24-15. Habilitative speech therapy as a treatment for stuttering.

1 (a) On or after July 1, 2024, A policy, plan or contract subject to this article shall provide
2 coverage for patient cost to a member in habilitative speech therapy as a treatment for stuttering.

3 (b) Notwithstanding any provision of any policy, provision, contract, plan or agreement to
4 which this article applies, any entity regulated by this article shall provide as benefits to all
5 subscribers and members coverage for habilitative speech therapy as a treatment for stuttering for
6 school age children up to age 18 years.: *Provided*, That preauthorization or precertification may
7 not be required.

8 (c) As used in this section:

9 "Habilitative services" means health care services that help a person keep, learn, or
10 improve skills and functioning for daily living;

11 "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or
12 improve skills and functioning for daily living;

13 "Rehabilitative services" means health care services that help a person restore or improve
14 skills and functioning for daily living that have been lost or impaired; and

15 "Rehabilitative speech therapy" means speech therapy that helps a person restore or
16 improve skills and functioning for daily living that have been lost or impaired.

17 (d) Any plan under this article in this state any certificate, plan, or contract, including but not
18 limited to a health benefit plan, shall provide coverage for:

19 (1) Habilitative services, shall provide coverage for habilitative speech therapy as a
20 treatment for stuttering, regardless of whether the stuttering is classified as developmental;

21 (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a
22 treatment for stuttering; or

23 (3) Both habilitative services and rehabilitative services, shall provide the coverage
24 required this section.

25 (e) The coverage required under this section may not be:

26 (1) Subject to any maximum annual benefit limit, including any limits on the number of visits
27 an insured may make to a speech-language pathologist;

28 (2) Limited based on the type of disease, injury, disorder, or other medical condition that
29 resulted in the stuttering; or

30 (3) Subject to utilization review or utilization management requirements, including prior
31 authorization or a determination that the speech therapy services are medically necessary; and

32 (4) Include coverage for speech therapy provided in person and via telehealth.

33 (f) The telehealth coverage required under this paragraph shall:

34 (1).Be not less than the coverage required for health benefit plans under this article and
 35 (2) Include the use of any communication technology, application, or platform to deliver
 36 telehealth services, except coverage may be restricted to technology, applications, or platforms
 37 that are compliant with any applicable privacy provisions of the federal Health Insurance
 38 Portability and Accountability Act of 1996, 42 17 U.S.C. sec. 1320d et seq., as amended.

39 (g) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9
 40 of this code, including, but not limited to, his or her authority to manage provider contracting and
 41 payments and to designate covered and noncovered services.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-23. Habilitative speech therapy as a treatment for stuttering.

1 (a) Notwithstanding any provision of any policy, provision, contract, plan or agreement to
 2 which this article applies, any entity regulated by this article shall, on or after July 1, 2024, provide
 3 as benefits to all subscribers and members coverage for the cost of habilitative speech therapy as
 4 a treatment for stuttering services for school age children up to age 18 years. These services shall
 5 be exempt from any deductible, per-visit charge and/or copayment provisions which may be in
 6 force in these policies or contracts. This coverage will cover all costs associated with child physical
 7 therapy, speech, and occupational therapy services. These services shall be exempt from any
 8 deductible, per-visit charge and/or copayment provisions which may be in force in these policies,
 9 provisions, plans, agreements or contracts. This section does not require that other health care
 10 services provided be exempt from any deductible and/or copayment provisions.

11 (b) As used in this section:

12 "Habilitative services" means health care services that help a person keep, learn, or
 13 improve skills and functioning for daily living;

14 "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or
 15 improve skills and functioning for daily living;

16 "Rehabilitative services" means health care services that help a person restore or improve
17 skills and functioning for daily living that have been lost or impaired; and

18 "Rehabilitative speech therapy" means speech therapy that helps a person restore or
19 improve skills and functioning for daily living that have been lost or impaired.

20 (c) Any accident and sickness insurance in this state certificate, plan, or contract, including
21 but not limited to a health benefit plan, that provides coverage for:

22 (1) Habilitative services, shall provide coverage for habilitative speech therapy as a
23 treatment for stuttering, regardless of whether the stuttering is classified as developmental;

24 (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a
25 treatment for stuttering; or

26 (3) Both habilitative services and rehabilitative services, shall provide the coverage
27 required this section.

28 (d) The coverage required under this section may not be:

29 (1) Subject to any maximum annual benefit limit, including any limits on the number of visits
30 an insured may make to a speech-language pathologist;

31 (2) Limited based on the type of disease, injury, disorder, or other medical condition that
32 resulted in the stuttering; or

33 (3) Subject to utilization review or utilization management requirements, including prior
34 authorization or a determination that the speech therapy services are medically necessary; and

35 (4) Include coverage for speech therapy provided in person and via telehealth.

36 (e) The telehealth coverage required under this paragraph shall:

37 (1).Be not less than the coverage required for health benefit plans under this article and

38 (2) Include the use of any communication technology, application, or platform to deliver
39 telehealth services, except coverage may be restricted to technology, applications, or platforms
40 that are compliant with any applicable privacy provisions of the federal Health Insurance
41 Portability and Accountability Act of 1996, 42 17 U.S.C. sec. 1320d et seq., as amended.

42 (f) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9 of
 43 this code, including, but not limited to, his or her authority to manage provider contracting and
 44 payments and to designate covered and noncovered services.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-37. Coverage of habilitative speech therapy as a treatment for stuttering.

1 (a) Notwithstanding any provision of any policy, provision, contract, plan or agreement to
 2 which this article applies, any entity regulated by this article shall, on or after July 1, 2024 provide
 3 as benefits to all subscribers and members coverage for of habilitative speech therapy as a
 4 treatment for stuttering: *Provided*, That preauthorization or precertification may not be required.

1 (b) Notwithstanding any provision of any policy, provision, contract, plan or agreement to
 2 which this article applies, any entity regulated by this article shall, on or after July 1, 2024, provide
 3 as benefits to all subscribers and members coverage for the cost of habilitative speech therapy as
 4 a treatment for stuttering services. These services shall be exempt from any deductible, per-visit
 5 charge and/or copayment provisions which may be in force in these policies or contracts. This
 6 coverage will cover all costs associated with child physical therapy, speech, and occupational
 7 therapy services. These services shall be exempt from any deductible, per-visit charge and/or
 8 copayment provisions which may be in force in these policies, provisions, plans, agreements or
 9 contracts. This section does not require that other health care services provided be exempt from
 10 any deductible and/or copayment provisions.

11 (c) As used in this section:

12 "Habilitative services" means health care services that help a person keep, learn, or
 13 improve skills and functioning for daily living;

14 "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or
 15 improve skills and functioning for daily living;

16 "Rehabilitative services" means health care services that help a person restore or improve
 17 skills and functioning for daily living that have been lost or impaired; and

18 "Rehabilitative speech therapy" means speech therapy that helps a person restore or
19 improve skills and functioning for daily living that have been lost or impaired.

20 (d) Any policy under this article in this state shall provide coverage for:

21 (1) Habilitative services, shall provide coverage for habilitative speech therapy as a
22 treatment for stuttering, regardless of whether the stuttering is classified as developmental;

23 (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a
24 treatment for stuttering; or

25 (3) Both habilitative services and rehabilitative services, shall provide the coverage
26 required this section.

27 (e) The coverage required under this section may not be:

28 (1) Subject to any maximum annual benefit limit, including any limits on the number of visits
29 an insured may make to a speech-language pathologist;

30 (2) Limited based on the type of disease, injury, disorder, or other medical condition that
31 resulted in the stuttering; or

32 (3) Subject to utilization review or utilization management requirements, including prior
33 authorization or a determination that the speech therapy services are medically necessary; and

34 (4) Include coverage for speech therapy provided in person and via telehealth.

35 (f) The telehealth coverage required under this paragraph shall:

36 (1) Be not less than the coverage required for health benefit plans under this article and

37 (2) Include the use of any communication technology, application, or platform to deliver
38 telehealth services, except coverage may be restricted to technology, applications, or platforms
39 that are compliant with any applicable privacy provisions of the federal Health Insurance
40 Portability and Accountability Act of 1996, 42 17 U.S.C. sec. 1320d et seq., as amended.

41 (g) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9
42 of this code, including, but not limited to, his or her authority to manage provider contracting and
43 payments and to designate covered and noncovered services.

NOTE: The purpose of this bill is to require habilitative speech therapy as a treatment for stuttering insurance coverage.

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