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2005 MAY -3 A 9:01

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



# ENROLLED

## House Bill No. 3014

(By Delegates H. White, Hrutkay, G. White,  
R. M. Thompson, Webster, Cann and Hamilton)



Passed April 9, 2005

In Effect Ninety Days from Passage

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### H. B. 3014

(BY DELEGATES H. WHITE, HRUTKAY, G. WHITE,  
R. M. THOMPSON, WEBSTER, CANN AND HAMILTON)

[Passed April 9, 2005; in effect ninety days from passage]

AN ACT to amend and reenact §33-15-2g of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-1b, all relating to required coverage for specific conditions or treatments in individual and group accident and sickness policies of insurance; and providing limitations on applicability of these requirements.

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

That §33-15-2g of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §33-16-1b, all to read as follows:

#### ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

##### **§33-15-2g. Applicability.**

- 1 (a) The requirements of sections two-b, two-d, two-e and
- 2 two-f of this article and the provisions of this article which

3 generally require policies of accident and sickness insurance to  
4 cover specific conditions or treatments, but which are not  
5 expressly made applicable to the following types of policies, do  
6 not apply to:

7 (1) Coverage only for accident, or disability income  
8 insurance or any combination thereof;

9 (2) Coverage issued as a supplement to liability insurance;

10 (3) Liability insurance, including general liability insurance  
11 and automobile liability insurance;

12 (4) Workers' Compensation or similar insurance;

13 (5) Automobile medical payment insurance;

14 (6) Credit-only insurance;

15 (7) Coverage for on-site medical clinics; and

16 (8) Other similar insurance coverage, which may be  
17 specified by rule, under which benefits for medical care are  
18 secondary or incidental to other insurance benefits.

19 (b) The requirements of sections two-b, two-d, two-e and  
20 two-f of this article and the provisions of this article which  
21 generally require policies of accident and sickness insurance to  
22 cover specific conditions or treatments, but which are not  
23 expressly made applicable to the following types of policies, do  
24 not apply to the following if provided under a separate policy,  
25 certificate, or contract of insurance:

26 (1) Limited scope dental or vision benefits;

27 (2) Benefits for long-term care, nursing home care, home  
28 health care, community-based care, or any combination thereof;

- 29       (3) Coverage for only a specified disease or illness;
- 30       (4) Hospital indemnity or other fixed indemnity insurance;
- 31       (5) Medicare supplement insurance (as defined under  
32 section 1882(g)(1) of the Social Security Act), coverage  
33 supplemental to the coverage provided under chapter 55 of title  
34 10, United States Code, and similar supplemental coverage  
35 provided to coverage under group accident and sickness  
36 insurance; and
- 37       (6) Any other benefits as may be specified by rule.

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

**§33-16-1b. Applicability.**

- 1       (a) The provisions of this article which generally require  
2 policies of group accident and sickness insurance to cover  
3 specific conditions or treatments, but which are not expressly  
4 made applicable to the following types of policies, do not apply  
5 to:
- 6       (1) Coverage only for accident, or disability income  
7 insurance or any combination thereof;
- 8       (2) Coverage issued as a supplement to liability insurance;
- 9       (3) Liability insurance, including general liability insurance  
10 and automobile liability insurance;
- 11       (4) Workers' Compensation or similar insurance;
- 12       (5) Automobile medical payment insurance;
- 13       (6) Credit-only insurance;
- 14       (7) Coverage for on-site medical clinics; and

15       (8) Other similar insurance coverage, which may be  
16 specified by rule, under which benefits for medical care are  
17 secondary or incidental to other insurance benefits.

18       (b) The requirements of sections two-b, two-d, two-e and  
19 two-f, article fifteen of this chapter and the provisions of this  
20 article which generally require policies of group accident and  
21 sickness insurance to cover specific conditions or treatments,  
22 but which are not expressly made applicable to the following  
23 types of policies, do not apply to the following if provided  
24 under a separate policy, certificate, or contract of insurance:

25       (1) Limited scope dental or vision benefits;

26       (2) Benefits for long-term care, nursing home care, home  
27 health care, community-based care, or any combination thereof;

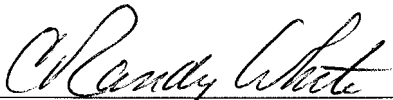
28       (3) Coverage for only a specified disease or illness;

29       (4) Hospital indemnity or other fixed indemnity insurance;

30       (5) Medicare supplement insurance (as defined under  
31 section 1882(g)(1) of the Social Security Act), coverage  
32 supplemental to the coverage provided under chapter 55 of title  
33 10, United States Code, and similar supplemental coverage  
34 provided to coverage under group accident and sickness  
35 insurance; and

36       (6) Any other benefits as may be specified by rule.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



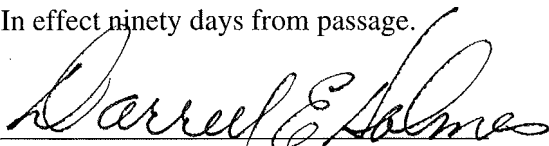
Chairman Senate Committee



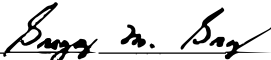
Chairman House Committee

Originating in the House.

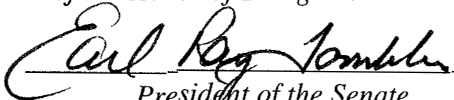
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

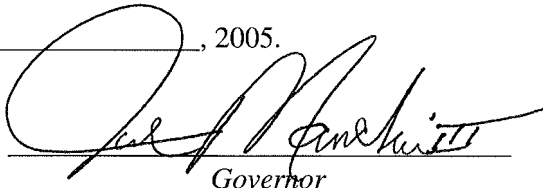


President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd  
day of May, 2005.



Governor

PRESENTED TO THE  
GOVERNOR

MAY 2 2005

Time 10:05 *am*