

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4426**

4 (By Delegates Manchin, Ferns, Swartzmiller, Hartman, Morgan,
5 Miley, White, Givens, Ferro, Skaff and Perry)

6
7 (Originating in the Committee on the Judiciary)

8 [February 24, 2012]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §5-16-7f; to amend
12 said code by adding thereto a new section, designated
13 §33-15-22; to amend said code by adding thereto a new section,
14 designated §33-16-18; to amend said code by adding thereto a
15 new section, designated §33-16D-17; to amend said code by
16 adding thereto a new section, designated §33-24-7l; to amend
17 said code by adding thereto a new section, designated
18 §33-25-8i; and to amend said code by adding thereto a new
19 section, designated §33-25A-8k, all relating to copayments
20 required in certain policies, provisions, contracts, plans or
21 agreements to provide health care benefits; providing that a
22 copayment imposed for services rendered by a licensed
23 occupational therapist, licensed speech-language pathologist
24 or licensed physical therapist may not exceed a copayment
25 imposed for the services of a primary care physician or an
26 osteopathic physician.

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

1 That the Code of West Virginia, 1931, as amended, be amended
2 by adding thereto a new section, designated §5-16-7F; to amend said
3 code by adding thereto a new section, designated §33-15-22; to
4 amend said code by adding thereto a new section designated §33-16-
5 18; to amend said code by adding thereto a new section, designated
6 §33-16D-17; to amend said code by adding thereto a new section
7 designated §33-24-71; to amend said code by adding thereto a new
8 section designated §33-25-8i; and to amend said code by adding
9 thereto a new section designated §33-25A-8k, all to read as
10 follows:

11 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**
12 **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**
13 **MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**
14 **ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

15 **§5-16-7f. Copayments.**

16 (a) A policy, provision, contract, plan or agreement subject
17 to this article may not impose a copayment upon an individual for
18 services rendered by a licensed occupational therapist, licensed
19 speech-language pathologist or a licensed physical therapist that
20 is in excess of a copayment imposed upon an individual for the
21 services of a primary care physician or an osteopathic physician.

22 (b) As used in this section, "copayment" means a specific
23 dollar amount that the covered individual must pay as a share of
24 the cost of the services upon receipt of the covered services.

25 (c) The policy, provision, contract, plan or agreement shall

1 clearly state the availability of occupational therapy, speech
2 language therapy and physical therapy coverage and all related
3 limitations, conditions and exclusions.

4 **CHAPTER 33. INSURANCE.**

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

6 **§33-15-22. Copayments.**

7 (a) A policy, contract, plan or agreement subject to this
8 article may not impose a copayment upon an insured for services
9 rendered by a licensed occupational therapist, licensed speech-
10 language pathologist or a licensed physical therapist that is in
11 excess of a copayment imposed upon the insured for the services of
12 a primary care physician or an osteopathic physician.

13 (b) As used in this section, "copayment" means a specific
14 dollar amount that the insured or subscriber must pay as a share of
15 the cost of the services upon receipt of the covered services.

16 (c) The policy or plan shall clearly state the availability of
17 occupational therapy, speech language therapy and physical therapy
18 coverage and all related limitations, conditions and exclusions.

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

20 **§33-16-18. Copayments.**

21 (a) A group health plan, health benefit plan or network plan
22 subject to this article may not impose a copayment upon an insured
23 for services rendered by a licensed occupational therapist,
24 licensed speech-language pathologist or a licensed physical
25 therapist that is in excess of a copayment imposed upon the

1 insured for the services of a primary care physician or an
2 osteopathic physician.

3 (b) As used in this section, "copayment" means a specific
4 dollar amount that the insured or subscriber must pay as a share of
5 the cost of the services upon receipt of the covered services.

6 (c) The policy or plan shall clearly state the availability of
7 occupational therapy, speech language therapy and physical therapy
8 coverage and all related limitations, conditions and exclusions.

9 **ARTICLE 16D. MARKETING AND RATE PRACTICES FOR SMALL EMPLOYER**

10 **ACCIDENT AND SICKNESS INSURANCE POLICIES.**

11 **§33-16D-17. Copayments.**

12 (a) A group health plan, health benefit plan or network plan
13 subject to this article may not impose a copayment upon an insured
14 for services rendered by a licensed occupational therapist,
15 licensed speech-language pathologist or a licensed physical
16 therapist that is in excess of a copayment imposed upon the
17 insured for the services of a primary care physician or an
18 osteopathic physician.

19 (b) As used in this section, "copayment" means a specific
20 dollar amount that the insured or subscriber must pay as a share of
21 the cost of the services upon receipt of the covered services.

22 (c) The group health plan, health benefit plan or network plan
23 shall clearly state the availability of occupational therapy,
24 speech language therapy and physical therapy coverage under its
25 plan and all related limitations, conditions and exclusions.

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

4 **§33-24-71. Copayments.**

5 (a) A policy, provision, contract, plan or agreement subject
6 to this article may not impose a copayment upon a subscriber for
7 services rendered by a licensed occupational therapist, licensed
8 speech-language pathologist or a licensed physical therapist that
9 is in excess of a copayment imposed upon a subscriber for the
10 services of a primary care physician or an osteopathic physician.

11 (b) As used in this section, "copayment" means a specific
12 dollar amount that the insured or subscriber must pay as a share of
13 the cost of the services upon receipt of the covered services.

14 (c) The policy, provision, contract, plan or agreement shall
15 clearly state the availability of occupational therapy, speech
16 language therapy and physical therapy coverage and all related
17 limitations, conditions and exclusions.

18 **ARTICLE 25. HEALTH CARE CORPORATIONS.**

19 **§33-25-8i. Copayments.**

20 (a) A policy, provision, contract, plan or agreement subject
21 to this article may not impose a copayment upon a subscriber or
22 member for services rendered by a licensed occupational therapist,
23 licensed speech-language pathologist or a licensed physical
24 therapist that is in excess of a copayment imposed upon a
25 subscriber or member for the services of a primary care physician

1 or an osteopathic physician.

2 (b) As used in this section, "copayment" means a specific
3 dollar amount that the subscriber or member must pay as a share of
4 the cost of the services upon receipt of the covered services.

5 (c) The policy, provision, contract, plan or agreement shall
6 clearly state the availability of occupational therapy, speech
7 language therapy and physical therapy coverage and all related
8 limitations, conditions and exclusions.

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

10 **§33-25A-8k. Copayments.**

11 (a) A policy, provision, contract, plan or agreement subject
12 to this article may not impose a copayment upon a subscriber or
13 member for services rendered by a licensed occupational therapist,
14 licensed speech-language pathologist or a licensed physical
15 therapist that is in excess of a copayment imposed upon a
16 subscriber or member for the services of a primary care physician
17 or an osteopathic physician.

18 (b) As used in this section, "copayment" means a specific
19 dollar amount that the subscriber or member must pay as a share of
20 the cost of the services upon receipt of the covered services.

21 (c) The policy, provision, contract, plan or agreement shall
22 clearly state the availability of occupational therapy, speech
23 language therapy and physical therapy coverage and all related
24 limitations, conditions and exclusions.