

1 **H. B. 4426**

2  
3 (By Delegates Manchin, Ferns, Swartzmiller, Hartman,  
4 Morgan, Miley, White, Givens, Ferro, Skaff and Perry)

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6 [Introduced February 6, 2012; referred to the  
7 Committee on Banking and Insurance then the  
8 Judiciary.]  
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 §33-15-  
13 22; to amend said code by adding thereto a new section,  
14 designated §33-16-18; and to amend said code by adding thereto  
15 a new section, designated §33-16D-17, all relating to  
16 insurance copayments; and requiring a copayment to a physical  
17 therapist and an occupational therapist be the same as a  
18 physician or osteopath.

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

20 That the Code of West Virginia, 1931, as amended, be amended  
21 by adding thereto a new section, designated §5-16-7F; to amend said  
22 code by adding thereto a new section, designated §33-15-22; to  
23 amend said code by adding thereto a new section designated §33-16-  
24 18; and to amend said code by adding thereto a new section,  
25 designated §33-16D-17, all to read as follows:

26 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY**

1                   **OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;**  
2                   **MISCELLANEOUS    AGENCIES,    COMMISSIONS,    OFFICES,**  
3                   **PROGRAMS, ETC.**

4 **ARTICLE 16.   WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

5 **§5-16-7f.   Copayments.**

6       (a) A policy, provision, contract, plan or agreement under  
7 this article may not impose a copayment or coinsurance amount  
8 charged to the insured for services rendered for each date of  
9 service by an occupational therapist licensed under article twenty,  
10 chapter thirty of this code or a physical therapist licensed under  
11 article twenty, chapter thirty of this code that is greater than  
12 \$10 per visit, the office visit deductible, copayment or  
13 coinsurance amount charged to the insured for the services of a  
14 primary care physician or an osteopath licensed under chapter  
15 thirty of this code for an office visit.

16       (b) A policy, provision, contract, plan or agreement shall  
17 clearly state the availability of occupational and physical therapy  
18 coverage under the policy, provision contract, plan or agreement  
19 and all related limitations, conditions and exclusion.

20                   **CHAPTER 33.   INSURANCE.**

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

22 **§33-15-22.   Copayments.**

23       (a) An insurer may not impose a copayment or coinsurance  
24 amount charged to the insured for services rendered for each date

1 of service by an occupational therapist licensed under article  
2 twenty, chapter thirty of this code or a physical therapist  
3 licensed under article twenty, chapter thirty of this code that is  
4 greater than \$10 per visit, the office visit deductible, copayment  
5 or coinsurance amount charged to the insured for the services of a  
6 primary care physician or an osteopath licensed under chapter  
7 thirty of this code for an office visit.

8 (b) An insurer shall clearly state the availability of  
9 occupational and physical therapy coverage under its plan and all  
10 related limitations, conditions and exclusion.

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

12 **§33-16-18. Copayments.**

13 (a) A group health plan, health benefit plan or network plan  
14 may not impose a copayment or coinsurance amount charged to the  
15 insured for services rendered for each date of service by an  
16 occupational therapist licensed under article twenty, chapter  
17 thirty of this code or a physical therapist licensed under article  
18 twenty, chapter thirty of this code that is greater than \$10 per  
19 visit, the office visit deductible, copayment or coinsurance amount  
20 charged to the insured for the services of a primary care physician  
21 or an osteopath licensed under chapter thirty of this code for an  
22 office visit.

23 (b) A group health plan, health benefit plan or network plan  
24 shall clearly state the availability of occupational and physical

1 therapy coverage under its plan and all related limitations,  
2 conditions and exclusion.

3 **ARTICLE 16D.    MARKETING AND RATE PRACTICES FOR SMALL EMPLOYER**  
4 **ACCIDENT AND SICKNESS INSURANCE POLICIES.**

5 **§33-16D-17.    Copayments.**

6       (a) A group health plan, health benefit plan or network plan  
7 may not impose a copayment or coinsurance amount charged to the  
8 insured for services rendered for each date of service by an  
9 occupational therapist licensed under article twenty, chapter  
10 thirty of this code or a physical therapist licensed under article  
11 twenty, chapter thirty of this code that is greater than \$10 per  
12 visit, the office visit deductible, copayment or coinsurance amount  
13 charged to the insured for the services of a primary care physician  
14 or an osteopath licensed under chapter thirty of this code for an  
15 office visit.

16       (b) A group health plan, health benefit plan or network plan  
17 shall clearly state the availability of occupational and physical  
18 therapy coverage under its plan and all related limitations,  
19 conditions and exclusion.

NOTE: The purpose of this bill is to require a copayment to a physical therapist and a occupational therapist be the same as a physician or osteopath.

§5-16-7f, §33-15-22, §33-16-18 and §33-16D-17 are new; therefore, each section have been completely underscored.