

Senate Bill No. 1

(By Senator Foster)

[Introduced January 11, 2012; referred to the Committee on Banking and Insurance; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §5-16-7a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-22; to amend and reenact §33-15-4f of said code; to amend and reenact §33-16-3o of said code; to amend and reenact §33-24-7f of said code; to amend and reenact §33-25-8e of said code; and to amend and reenact §33-25A-8e of said code, all relating to requiring insurers to provide coverage for colorectal screening for individuals fifty years of age and older.

Be it enacted by the Legislature of West Virginia:

That §5-16-7a of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §9-5-22; that §33-15-4f of said code be amended and reenacted; that §33-16-3o of said code be amended and reenacted; that §33-24-7f of said code be amended and

1 reenacted; that §33-25-8e of said code be amended and reenacted;
2 and that §33-25A-8e of said code be amended and reenacted, all to
3 read as follows:

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

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

9 **§5-16-7a. Additional mandated benefits; required coverage for**
10 **colorectal cancer examination and laboratory**
11 **testing.**

12 (a) Notwithstanding any provision of any policy, provision,
13 contract, plan or agreement applicable to this article,
14 ~~reimbursement or indemnification~~ the agency shall provide coverage
15 for colorectal cancer examinations and laboratory testing ~~may not~~
16 ~~be denied for any~~ for a nonsymptomatic person fifty years of age or
17 older or a symptomatic person under fifty years of age when
18 ~~reimbursement or indemnity for laboratory or X ray services are~~
19 ~~covered under the policy and are~~ performed for colorectal cancer
20 screening or diagnostic purposes at the direction of a person
21 licensed to practice medicine and surgery by the ~~board of~~ West
22 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
23 an annual fecal occult blood test, a flexible sigmoidoscopy
24 repeated every five years, a colonoscopy repeated every ten years,

1 ~~and~~ a double contrast barium enema repeated every five years or
2 other test or testing procedure generally accepted by the medical
3 community.

4 (b) A symptomatic person is defined as:

5 (1) An individual who experiences a change in bowel habits,
6 rectal bleeding or stomach cramps that are persistent; or

7 (2) An individual who poses a higher than average risk for
8 colorectal cancer because he or she has had colorectal cancer or
9 polyps, inflammatory bowel disease or an immediate family history
10 of such conditions.

11 (c) The same deductibles, coinsurance, network restrictions
12 and other limitations for covered services found in the policy,
13 provision, contract, plan or agreement of the covered person may
14 apply to colorectal cancer examinations and laboratory testing.

15 **CHAPTER 9. HUMAN SERVICES.**

16 **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

17 **§9-5-22. Required coverage for colorectal cancer examination and**
18 **laboratory testing.**

19 (a) Notwithstanding any provision of any policy, provision,
20 contract, plan or agreement applicable to this article, coverage
21 shall be provided for colorectal cancer examinations and laboratory
22 testing for a nonsymptomatic person fifty years of age or older or
23 a symptomatic person under fifty years of age when performed for
24 colorectal cancer screening or diagnostic purposes at the direction

1 of a person licensed to practice medicine and surgery by the West
 2 Virginia Board of Medicine. The tests include an annual fecal
 3 occult blood test, a flexible sigmoidoscopy repeated every five
 4 years, a colonoscopy repeated every ten years, a double contrast
 5 barium enema repeated every five years or other test and testing
 6 procedure generally accepted by the medical community.

7 (b) A symptomatic person is defined as:

8 (1) An individual who experiences a change in bowel habits,
 9 rectal bleeding or stomach cramps that are persistent; or

10 (2) An individual who poses a higher than average risk for
 11 colorectal cancer because he or she has had colorectal cancer or
 12 polyps, inflammatory bowel disease or an immediate family history
 13 of such conditions.

14 (c) The same deductibles, coinsurance, network restrictions
 15 and other limitations for covered services found in the policy,
 16 provision, contract, plan or agreement of the covered person may
 17 apply to colorectal cancer examinations and laboratory testing.

18 **CHAPTER 33. INSURANCE.**

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

20 **§33-15-4f. Required coverage for colorectal cancer examination**
 21 **and laboratory testing.**

22 (a) Notwithstanding any provision of any policy, provision,
 23 contract, plan or agreement applicable to this article,
 24 ~~reimbursement or indemnification~~ coverage shall be provided for

1 colorectal cancer examinations and laboratory testing ~~may not be~~
2 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
3 older or a symptomatic person under fifty years of age when
4 ~~reimbursement or indemnity for laboratory or X ray services are~~
5 ~~covered under the policy and are~~ performed for colorectal cancer
6 screening or diagnostic purposes at the direction of a person
7 licensed to practice medicine and surgery by the ~~board of~~ West
8 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
9 an annual fecal occult blood test, a flexible sigmoidoscopy
10 repeated every five years, a colonoscopy repeated every ten years,
11 ~~and~~ a double contrast barium enema repeated every five years or
12 other test or testing procedure generally accepted by the medical
13 community.

14 (b) A symptomatic person is defined as:

15 ~~(i)~~ (1) An individual who experiences a change in bowel
16 habits, rectal bleeding or stomach cramps that are persistent; or

17 ~~(ii)~~ (2) An individual who poses a higher than average risk
18 for colorectal cancer because he or she has had colorectal cancer
19 or polyps, inflammatory bowel disease or an immediate family
20 history of such conditions.

21 (c) The same deductibles, coinsurance, network restrictions
22 and other limitations for covered services found in the policy,
23 provision, contract, plan or agreement of the covered person may
24 apply to colorectal cancer examinations and laboratory testing.

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

2 **§33-16-30. Required coverage for colorectal cancer examination**
3 **and laboratory testing.**

4 (a) Notwithstanding any provision of any policy, provision,
5 contract, plan or agreement applicable to this article,
6 ~~reimbursement or indemnification~~ coverage shall be provided for
7 colorectal cancer examinations and laboratory testing ~~may not be~~
8 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
9 older or a symptomatic person under fifty years of age when
10 ~~reimbursement or indemnity for laboratory or X ray services are~~
11 ~~covered under the policy and are~~ performed for colorectal cancer
12 screening or diagnostic purposes at the direction of a person
13 licensed to practice medicine and surgery by the ~~board of~~ West
14 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
15 an annual fecal occult blood test, a flexible sigmoidoscopy
16 repeated every five years, a colonoscopy repeated every ten years,
17 ~~and~~ a double contrast barium enema repeated every five years or
18 other test or testing procedure generally accepted by the medical
19 community.

20 (b) A symptomatic person is defined as:

21 ~~(i)~~ (1) An individual who experiences a change in bowel
22 habits, rectal bleeding or stomach cramps that are persistent; or

23 ~~(ii)~~ (2) An individual who poses a higher than average risk
24 for colorectal cancer because he or she has had colorectal cancer

1 or polyps, inflammatory bowel disease or an immediate family
2 history of such conditions.

3 (c) The same deductibles, coinsurance, network restrictions
4 and other limitations for covered services found in the policy,
5 provision, contract, plan or agreement of the covered person may
6 apply to colorectal cancer examinations and laboratory testing.

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

10 **§33-24-7f. Required coverage for colorectal cancer examination**
11 **and laboratory testing.**

12 (a) Notwithstanding any provision of any policy, provision,
13 contract, plan or agreement applicable to this article,
14 ~~reimbursement or indemnification~~ coverage shall be provided for
15 colorectal cancer examinations and laboratory testing ~~may not be~~
16 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
17 older or a symptomatic person under fifty years of age when
18 ~~reimbursement or indemnity for laboratory or X ray services are~~
19 ~~covered under the policy and are performed for colorectal cancer~~
20 screening or diagnostic purposes at the direction of a person
21 licensed to practice medicine and surgery by the ~~board of~~ West
22 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
23 an annual fecal occult blood test, a flexible sigmoidoscopy
24 repeated every five years, a colonoscopy repeated every ten years,

1 ~~and~~ a double contrast barium enema repeated every five years or
2 other test or testing procedure generally accepted by the medical
3 community.

4 (b) A symptomatic person is defined as:

5 ~~(i)~~ (1) An individual who experiences a change in bowel
6 habits, rectal bleeding or stomach cramps that are persistent; or

7 ~~(ii)~~ (2) An individual who poses a higher than average risk
8 for colorectal cancer because he or she has had colorectal cancer
9 or polyps, inflammatory bowel disease or an immediate family
10 history of such conditions.

11 (c) The same deductibles, coinsurance, network restrictions
12 and other limitations for covered services found in the policy,
13 provision, contract, plan or agreement of the covered person may
14 apply to colorectal cancer examinations and laboratory testing.

15 **ARTICLE 25. HEALTH CARE CORPORATIONS.**

16 **§33-25-8e. Required coverage for colorectal cancer examination**
17 **and laboratory testing.**

18 (a) Notwithstanding any provision of any policy, provision,
19 contract, plan or agreement applicable to this article,
20 ~~reimbursement or indemnification~~ coverage shall be provided for
21 colorectal cancer examinations and laboratory testing ~~may not be~~
22 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
23 older or a symptomatic person under fifty years of age when
24 ~~reimbursement or indemnity for laboratory or X ray services are~~

1 ~~covered under the policy and are~~ performed for colorectal cancer
 2 screening or diagnostic purposes at the direction of a person
 3 licensed to practice medicine and surgery by the ~~board of~~ West
 4 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
 5 an annual fecal occult blood test, a flexible sigmoidoscopy
 6 repeated every five years, a colonoscopy repeated every ten years,
 7 ~~and~~ a double contrast barium enema repeated every five years or
 8 other test or testing procedure generally accepted by the medical
 9 community.

10 (b) A symptomatic person is defined as:

11 ~~(i)~~ (1) An individual who experiences a change in bowel
 12 habits, rectal bleeding or stomach cramps that are persistent; or

13 ~~(ii)~~ (2) An individual who poses a higher than average risk
 14 for colorectal cancer because he or she has had colorectal cancer
 15 or polyps, inflammatory bowel disease or an immediate family
 16 history of such conditions.

17 (c) The same deductibles, coinsurance, network restrictions
 18 and other limitations for covered services found in the policy,
 19 provision, contract, plan or agreement of the covered person may
 20 apply to colorectal cancer examinations and laboratory testing.

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

22 **§33-25A-8e. Required coverage for colorectal cancer examination**
 23 **and laboratory testing.**

24 (a) Notwithstanding any provision of any policy, provision,

1 contract, plan or agreement applicable to this article,
2 ~~reimbursement or indemnification~~ coverage shall be provided for
3 colorectal cancer examinations and laboratory testing ~~may not be~~
4 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
5 older or a symptomatic person under fifty years of age when
6 ~~reimbursement or indemnity for laboratory or X ray services are~~
7 ~~covered under the policy and are~~ performed for colorectal cancer
8 screening or diagnostic purposes at the direction of a person
9 licensed to practice medicine and surgery by the ~~board of~~ West
10 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
11 an annual fecal occult blood test, a flexible sigmoidoscopy
12 repeated every five years, a colonoscopy repeated every ten years,
13 ~~and~~ a double contrast barium enema repeated every five years or
14 other test or testing procedure generally accepted by the medical
15 community.

16 (b) A symptomatic person is defined as:

17 ~~(i)~~ (1) An individual who experiences a change in bowel
18 habits, rectal bleeding or stomach cramps that are persistent; or

19 ~~(ii)~~ (2) An individual who poses a higher than average risk
20 for colorectal cancer because he or she has had colorectal cancer
21 or polyps, inflammatory bowel disease or an immediate family
22 history of such conditions.

23 (c) The same deductibles, coinsurance, network restrictions
24 and other limitations for covered services found in the policy,

1 provision, contract, plan or agreement of the covered person may
2 apply to colorectal cancer examinations and laboratory testing.

NOTE: The purpose of this bill is to require health insurance coverage for colorectal cancer examination and testing for individuals fifty years of age or older.

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

§9-5-22 is new; therefore, strike-throughs and underscoring have been omitted.