

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4527

BY DELEGATE WESTFALL

[Introduced February 13, 2018; Referred
to the Committee on Banking and Insurance then the
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
2 designated §33-15-4p; to amend said code by adding thereto a new section, designated
3 §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7q;
4 to amend said code by adding thereto a new section, designated §33-25-8o; and to amend
5 said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring
6 health care insurance policies to provide coverage for services performed by a pharmacist.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4p. Health care service performed by a pharmacist.

1 An insurance policy issued by an insurer pursuant to this article may not deny coverage
2 for any health care service performed by a pharmacist licensed under §30-5-1 et seq. of this code
3 when:

4 (1) The service performed was within the lawful scope of such person's license;

5 (2) The policy would have provided benefits if the service had been performed by a
6 physician licensed under §30-3-1 et seq. of this code, an advanced practice registered nurse
7 licensed under §30-7-1 et seq. of this code, or a physician's assistant licensed under §30-3E-1 et
8 seq. of this code;

9 (3) The pharmacist is included in the plans' network of participating providers and the plan
10 includes an adequate number of pharmacists in its network of participating medical providers;

11 (4) The participation of pharmacies in the plan network's drug benefit does not satisfy the
12 requirement that plans include pharmacists in their networks of participating medical providers;
13 and

14 (5) For health benefit plans issued or renewed on or after January 1, 2018, but before
15 January 1, 2019, health plans that delegate credentialing agreements to contracted health care
16 facilities must accept credentialing for pharmacists employed or contracted by those facilities.
17 Health plans must reimburse facilities for covered services provided by network pharmacists

18 within the pharmacists' scope of practice by negotiations with the facility.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3aa. Health care service performed by a pharmacist.

1 An insurance policy issued by an insurer pursuant to this article may not deny coverage
2 for any health care service performed by a pharmacist licensed under §30-5-1 et seq. of this code
3 when:

4 (1) The service performed was within the lawful scope of such person's license;

5 (2) The policy would have provided benefits if the service had been performed by a
6 physician licensed under §30-3-1 et seq. of this code, an advanced practice registered nurse
7 licensed under §30-7-1 et seq. of this code, or a physician's assistant licensed under §30-3E-1 et
8 seq. of this code;

9 (3) The pharmacist is included in the plans' network of participating providers and the plan
10 includes an adequate number of pharmacists in its network of participating medical providers;

11 (4) The participation of pharmacies in the plan network's drug benefit does not satisfy the
12 requirement that plans include pharmacists in their networks of participating medical providers;
13 and

14 (5) For health benefit plans issued or renewed on or after January 1, 2018, but before
15 January 1, 2019, health plans that delegate credentialing agreements to contracted health care
16 facilities must accept credentialing for pharmacists employed or contracted by those facilities.
17 Health plans must reimburse facilities for covered services provided by network pharmacists
18 within the pharmacists' scope of practice by negotiations with the facility.

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

§33-24-7q. Health care service performed by a pharmacist.

1 An insurance policy issued by an insurer pursuant to this article may not deny coverage
2 for any health care service performed by a pharmacist licensed under §30-5-1 et seq. of this code
3 when:

4 (1) The service performed was within the lawful scope of such person's license;

5 (2) The policy would have provided benefits if the service had been performed by a
6 physician licensed under §30-3-1 et seq. of this code, an advanced practice registered nurse
7 licensed under §30-7-1 et seq. of this code, or a physician’s assistant licensed under §30-3E-1 et
8 seq. of this code;

9 (3) The pharmacist is included in the plans’ network of participating providers and the plan
10 includes an adequate number of pharmacists in its network of participating medical providers;

11 (4) The participation of pharmacies in the plan network's drug benefit does not satisfy the
12 requirement that plans include pharmacists in their networks of participating medical providers;
13 and

14 (5) For health benefit plans issued or renewed on or after January 1, 2018, but before
15 January 1, 2019, health plans that delegate credentialing agreements to contracted health care
16 facilities must accept credentialing for pharmacists employed or contracted by those facilities.
17 Health plans must reimburse facilities for covered services provided by network pharmacists
18 within the pharmacists' scope of practice by negotiations with the facility.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-8o. Health care service performed by a pharmacist.

1 An insurance policy issued by an insurer pursuant to this article may not deny coverage
2 for any health care service performed by a pharmacist licensed under §30-5-1 et seq. of this code
3 when:

4 (1) The service performed was within the lawful scope of such person's license;

5 (2) The policy would have provided benefits if the service had been performed by a
6 physician licensed under §30-3-1 et seq. of this code, an advanced practice registered nurse

7 licensed under §30-7-1 et seq. of this code, or a physician's assistant licensed under §30-3E-1 et
8 seq. of this code;

9 (3) The pharmacist is included in the plans' network of participating providers and the plan
10 includes an adequate number of pharmacists in its network of participating medical providers;

11 (4) The participation of pharmacies in the plan network's drug benefit does not satisfy the
12 requirement that plans include pharmacists in their networks of participating medical providers;
13 and

14 (5) For health benefit plans issued or renewed on or after January 1, 2018, but before
15 January 1, 2019, health plans that delegate credentialing agreements to contracted health care
16 facilities must accept credentialing for pharmacists employed or contracted by those facilities.
17 Health plans must reimburse facilities for covered services provided by network pharmacists
18 within the pharmacists' scope of practice by negotiations with the facility.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8p. Health care service performed by a pharmacist.

1 An insurance policy issued by an insurer pursuant to this article may not deny coverage
2 for any health care service performed by a pharmacist licensed under §30-5-1 et seq. of this code
3 when:

4 (1) The service performed was within the lawful scope of such person's license;

5 (2) The policy would have provided benefits if the service had been performed by a
6 physician licensed under §30-3-1 et seq. of this code, an advanced practice registered nurse
7 licensed under §30-7-1 et seq. of this code, or a physician's assistant licensed under §30-3E-1 et
8 seq. of this code;

9 (3) The pharmacist is included in the plans' network of participating providers and the plan
10 includes an adequate number of pharmacists in its network of participating medical providers;

11 (4) The participation of pharmacies in the plan network's drug benefit does not satisfy the
12 requirement that plans include pharmacists in their networks of participating medical providers;

13 and

14 (5) For health benefit plans issued or renewed on or after January 1, 2018, but before
15 January 1, 2019, health plans that delegate credentialing agreements to contracted health care
16 facilities must accept credentialing for pharmacists employed or contracted by those facilities.
17 Health plans must reimburse facilities for covered services provided by network pharmacists
18 within the pharmacists' scope of practice by negotiations with the facility.

NOTE: The purpose of this bill is to require health care insurance policies to provide coverage for services performed by a pharmacist.

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