

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 40

BY SENATORS STOLLINGS, CAPUTO, BALDWIN, JEFFRIES,

LINDSAY, ROMANO, AND WOELFEL

[Introduced February 10, 2021; referred
to the Committee on Banking and Insurance; and then
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §33-15-4x, relating to accident and sickness insurance and preexisting
 3 condition coverage.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4x. Preexisting condition coverage.

1 (a) For the purposes of this section, “community rated” means a rating methodology in
 2 which the premium for all persons covered by a policy or contract form is the same, based on the
 3 experience of the entire pool of risks of all individuals or small groups covered by the corporation
 4 without regard to age, sex, health status, tobacco usage or occupation excluding those individuals
 5 of small groups covered by Medicare supplemental insurance.

6 (b) Notwithstanding any provision of any policy, provision, contract, plan or agreement
 7 applicable to this article to the contrary, any health insurance policy subject to this article, issued
 8 or renewed on or after the date of passage of this article, shall be issued in this state establishing
 9 that the contract is community rated and, notwithstanding any other provisions of law to the
 10 contrary, the underwriting of the contract involves no more than the imposition of a preexisting
 11 condition limitation if otherwise permitted by this article.

12 (c) Once accepted for coverage, an individual or small group cannot be terminated by the
 13 insurer due to claims experience. Termination of coverage for individuals or small groups may be
 14 based only on one or more of the reasons set forth in §33-15-2b of this code.

15 (d) Coverage required under this section may not be subject to exclusions or limitations
 16 including cost which are not applied to other policies of coverage.

NOTE: The purpose of this bill is to ensure insurance coverage for residents with preexisting conditions and ensure that their costs are the same as the general population.

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