

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3534

By Delegates Worrell, Ferrell, and Rohrbach

[Introduced February 14, 2023; Referred
to the Committee on Health and Human Resources
then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §5-16-7h; to amend said code by adding thereto a new section, designated
 3 §33-15-23; to amend said code by adding thereto a new section designated §33-16-19; to
 4 amend said code by adding thereto a new section, designated §33-16D-17; to amend said
 5 code by adding thereto a new section designated §33-24-7x; to amend said code by
 6 adding thereto a new section designated §33-25-8u; and to amend said code by adding
 7 thereto a new section designated §33-25A-8x, all relating to prohibiting an insurer from
 8 imposing a copayment, for services rendered by a licensed occupational therapist,
 9 licensed occupational therapist assistant, licensed speech-language pathologist, licensed
 10 speech-language pathologist assistant, licensed physical therapist or a licensed physical
 11 therapist assistant, that is more than a copayment imposed for the services of a primary
 12 care physician or an osteopathic physician.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7h. Copayments for certain services.

1 (a) A policy, provision, contract, plan, or agreement subject to this article may not impose a
 2 copayment, coinsurance, or office visit deductible amount charged to the individual participating in
 3 or receiving coverage under the policy, provision, contract, plan, or agreement subject to this
 4 article for services rendered for each date of service by a licensed occupational therapist, licensed
 5 occupational therapist assistant, licensed speech-language pathologist, licensed speech-

6 language pathologist assistant, licensed physical therapist, or a licensed physical therapist
 7 assistant that is greater than the copayment, coinsurance, or office visit deductible amount
 8 charged to the individual participating in or receiving coverage under the policy, provision,
 9 contract, plan, or agreement subject to this article for the services of a primary care physician or an
 10 osteopathic physician.

11 (b) The policy, provision, contract, plan, or agreement shall clearly state the availability of
 12 occupational therapy, speech-language therapy and physical therapy coverage and all related
 13 limitations, conditions, and exclusions.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-23. Copayments for certain services.

1 (a) A policy, provision, contract, plan, or agreement subject to this article may not impose a
 2 copayment, coinsurance, or office visit deductible amount charged to the insured for services
 3 rendered for each date of service by a licensed occupational therapist, licensed occupational
 4 therapist assistant, licensed speech-language pathologist, licensed speech-language pathologist
 5 assistant, licensed physical therapist, or a licensed physical therapist assistant that is greater than
 6 the copayment, coinsurance, or office visit deductible amount charged to the insured for the
 7 services of a primary care physician or an osteopathic physician.

8 (b) The policy, provision, contract, plan, or agreement shall clearly state the availability of
 9 occupational therapy, speech-language therapy and physical therapy coverage and all related
 10 limitations, conditions, and exclusions.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-19. Copayments for certain services.

11 (a) A group health plan, health benefit plan or network plan subject to this article may not
 12 impose a copayment, coinsurance, or office visit deductible amount charged to the insured for

13 services rendered for each date of service by a licensed occupational therapist, licensed
 14 occupational therapist assistant, licensed speech-language pathologist, licensed speech-
 15 language pathologist assistant, licensed physical therapist, or a licensed physical therapist
 16 assistant that is greater than the copayment, coinsurance, or office visit deductible amount
 17 charged to the insured for the services of a primary care physician or an osteopathic physician.

18 (b) The group health plan, health benefit plan or network plan shall clearly state the
 19 availability of occupational therapy, speech-language therapy and physical therapy coverage and
 20 all related limitations, conditions, and exclusions.

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

§33-16D-17. Copayments for certain services.

1 (a) All policies issued pursuant to this article may not impose a copayment, coinsurance, or
 2 office visit deductible amount charged to the insured for services rendered for each date of service
 3 by a licensed occupational therapist, licensed occupational therapist assistant, licensed speech-
 4 language pathologist, licensed speech-language pathologist assistant, licensed physical
 5 therapist, or a licensed physical therapist assistant that is greater than the copayment,
 6 coinsurance, or office visit deductible amount charged to the insured for the services of a primary
 7 care physician or an osteopathic physician.

8 (b) All policies issued pursuant to this article shall clearly state the availability of
 9 occupational therapy, speech-language therapy and physical therapy coverage and all related
 10 limitations, conditions, and exclusions.

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

§33-24-7x. Copayments for certain services.

1 (a) A policy, provision, contract, plan or agreement subject to this article may not impose a
2 copayment, coinsurance, or office visit deductible amount charged to a subscriber for services
3 rendered for each date of service by a licensed occupational therapist, licensed occupational
4 therapist assistant, licensed speech-language pathologist, licensed speech-language pathologist
5 assistant, licensed physical therapist, or a licensed physical therapist assistant that is greater than
6 the copayment, coinsurance, or office visit deductible amount charged to the subscriber for the
7 services of a primary care physician or an osteopathic physician.

8 (b) The policy, provision, contract, plan, or agreement shall clearly state the availability of
9 occupational therapy, speech-language therapy and physical therapy coverage and all related
10 limitations, conditions, and exclusions.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-8u. Copayments for certain services.

1 (a) A policy, provision, contract, plan, or agreement subject to this article may not impose a
2 copayment, coinsurance, or office visit deductible amount charged to a subscriber or member for
3 services rendered for each date of service by a licensed occupational therapist, licensed
4 occupational therapist assistant, licensed speech-language pathologist, licensed speech-
5 language pathologist assistant, licensed physical therapist, or a licensed physical therapist
6 assistant that is greater than the copayment, coinsurance, or office visit deductible amount
7 charged to the subscriber or member for the services of a primary care physician or an osteopathic
8 physician.

9 (b) The policy, provision, contract, plan or agreement shall clearly state the availability of
10 occupational therapy, speech-language therapy and physical therapy coverage and all related
11 limitations, conditions, and exclusions.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8x. Copayments for certain services.

1 (a) A health maintenance organization issuing coverage in this state pursuant to the
2 provisions of this article may not impose a copayment, coinsurance, or office visit deductible
3 amount charged to a subscriber or member for services rendered for each date of service by a
4 licensed occupational therapist, licensed occupational therapist assistant, licensed speech-
5 language pathologist, licensed speech-pathologist assistant, licensed physical therapist, or a
6 licensed physical therapist assistant that is greater than the copayment, coinsurance, or office visit
7 deductible amount charged to the subscriber or member for the services of a primary care
8 physician or an osteopathic physician.

9 (b) The policy, provision, contract, plan, or agreement subject to this article shall clearly
10 state the availability of occupational therapy, speech-language therapy and physical therapy
11 coverage and all related limitations, conditions, and exclusions.

NOTE: The purpose of this bill is to prohibit an insurer from imposing a copayment for services rendered by a licensed occupational therapist, licensed occupational therapist assistant, licensed speech-language pathologist, licensed speech-language pathologist assistant, licensed physical therapist or a licensed physical therapist assistant that is more than a copayment imposed for the services of a primary care physician or an osteopathic physician.

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