

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Originating

Senate Bill 732

BY SENATORS MARONEY, TAKUBO, AZINGER, CHAPMAN,
DEEDS, GRADY, HAMILTON, HUNT, PLYMALE, ROBERTS,
TARR, AND WELD

[Originating in the Committee on Health and Human
Resources; reported on February 24, 2023]

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

Be it enacted by the Legislature of West Virginia:

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
2 a 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 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
2 a 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
2 a copayment, coinsurance, or office visit deductible amount charged to a subscriber or member
3 for 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
7 visit 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.