WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5190

By Delegates Crouse, Petitto, Lucas, Adkins, and Dean

[Introduced January 25, 2024; Referred to the Committee on Banking and Insurance then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-24 ; to amend said code by adding thereto a new section, designated §33-16-20; to amend said code by adding thereto a new section, designated §33-24-15; and to amend said code by adding thereto a new section designated §33-25-23 and to amend said code by adding thereto a new section designated §33-25A-37, all relating to requiring physical therapy, speech, and occupational therapy insurance coverage for school age children up to age 18 years.

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.

**§5-16-8b. Physical therapy, speech, and occupational therapy for school age children to be covered.**

(a) The plan shall cover the cost of child physical therapy, speech, and occupational therapy services for school age children up to age 18 years. These services shall be exempt from any deductible, per-visit charge and/or copayment provisions which may be in force in these policies or contracts.

(b) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9 of this code, including, but not limited to, his or her authority to manage provider contracting and payments and to designate covered and noncovered services.

(c) This section does not limit the authority of the director, the plan, or the plans under §5-16-11 of this code.

(d) Notwithstanding any provision of this code to the contrary, wherever 49 U.S.C. §41713(b) applies to the reimbursement of air ambulance providers under §5-16-8a of this code, the provisions of this code, including any administrative, civil, or criminal penalties, are inapplicable.

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ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

**§33-15-24. Physical therapy, speech, and occupational therapy for school age children to be covered by all health insurance policies.**

Any insurer who, on or after July 1, 2024, delivers or issues a policy of accident and sickness insurance in this state under the provisions of this article shall make available as benefits to all subscribers and members coverage on an expense-incurred basis and individual and group service or indemnity type contracts issued by a nonprofit corporation shall provide coverage for school age children up to age 18 years for physical therapy, speech, and occupational therapy when determined to be medically necessary and ordered by a licensed physician after making a thorough evaluation of the patient’s symptoms, diagnostic test results, or response to treatment.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-20. Physical therapy, speech, and occupational therapy for school age children to be covered.

All policies issued pursuant to this article shall cover the cost of children's physical therapy, speech, and occupational therapy services for school age children up to age 18 years. These services shall be exempt from any deductible, per-visit charge and/or copayment provisions which may be in force in these policies or contracts. This section does not require that other health care services provided be exempt from any deductible or copayment provisions.

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

§33-24-15. Physical therapy, speech, and occupational therapy for school age children to be covered.

(a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to which this article applies, any entity regulated by this article shall provide as benefits to all subscribers and members coverage for physical therapy, speech, and occupational therapy for school age children up to age 18 years.: *Provided,* That preauthorization or precertification may not be required.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-23. Physical therapy, speech, and occupational therapy for school age children to be covered.

Notwithstanding any provision of any policy, provision, contract, plan, or agreement to which this article applies, any entity regulated by this article shall, on or after July 1, 2024, provide as benefits to all subscribers and members coverage for the cost of children's physical therapy, speech, and occupational therapy services for school age children up to age 18 years. These services shall be exempt from any deductible, per-visit charge and/or copayment provisions which may be in force in these policies or contracts. This coverage will cover all costs associated with children's physical therapy, speech, and occupational therapy services. This section does not require that other health care services provided be exempt from any deductible and/or copayment provisions.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-37. Coverage of physical therapy, speech, and occupational therapy services for school age children

(a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to which this article applies, any entity regulated by this article shall provide as benefits to all subscribers and members coverage for physical therapy, speech, and occupational therapy for school age children up to age 18 years.: *Provided,* That preauthorization or precertification may not be required.

NOTE: The purpose of this bill is to require physical therapy, speech, and occupational therapy insurance coverage for school age children up to age 18 years.