

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2812

By Delegates Pritt and Chiarelli

[Introduced February 21, 2025; referred to the
Committee on Finance]

1 A BILL to amend and reenact §33-15-23 of the Code of West Virginia, 1931, as amended, relating
2 to insurance copayments for certain services; capping copays at \$500 a year for insureds
3 who are terminally ill until death; and clarifying the definition of terminal illness for purposes
4 of this cap.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-23. Copayments for certain services; cap on copays for terminally ill insureds.

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.

11 (c) Notwithstanding any other provision of law to the contrary, a policy, provision, contract,
12 plan, or agreement subject to this article, or any other article in this code specifically relating to
13 sickness insurance, may not impose a copayment, coinsurance, or office visit deductible amount
14 charged to the insured who has been diagnosed with a "terminal illness" for services rendered for
15 each date of service by a licensed occupational therapist, licensed occupational therapist
16 assistant, licensed speech-language pathologist, licensed speech-language pathologist assistant,
17 licensed physical therapist, or a licensed physical therapist assistant that is greater than the
18 copayment, coinsurance, or office visit deductible amount charged to the insured for the services
19 of a primary care physician or an osteopathic physician or that exceeds \$500 for an entire year of

20 such services. For the purposes of this subdivision, "terminal illness" means an illness, disease or
21 condition which cannot be cured, will likely lead to the insured's death, and which includes a
22 diagnosed life expectancy of six months or less. The limitation on the amount of copay shall
23 continue annually and cease at the time of death of the insured.

NOTE: The purpose of this bill is to cap insurance copayments for certain services at \$500 a year for insureds who are terminally ill until death.

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