

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5071

By Delegates Rohrbach and Amos

[Introduced February 03, 2026; referred to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding seven new sections,
2 designated §5-16-8b, §9-5-34, §33-15-24, §33-16-20, §33-24-15, §33-25-23 and §33-
3 25A-37, relating to requiring health benefit plan coverage; requiring coverage for oral
4 health medical procedures that are necessary as a side effect of cancer treatments;
5 explaining scope of procedures covered as a result of certain cancer treatments; and
6 reports.

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. Medical oral health coverage required.

1 (a) A policy, plan or contract that is issued or renewed on or after January 1, 2026, and is
2 subject to this article shall provide coverage for oral health medical procedures that are necessary
3 as a side effect of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology,
4 immunotherapy, or radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer
9 diagnosis.

10 (c) One year following implementation, the Public Employees Insurance Agency shall
11 report to the Joint Committee on Government and Finance the cost of this change.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Medical oral health coverage required.

(a) A policy, plan or contract that is issued or renewed on or after January 1, 2026, and is subject to this article shall provide coverage for oral health medical procedures that are necessary as a side effect of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or radiation.

(b) The coverage required under this section shall include evaluations, examinations, patient education, laboratory assessments, medications, treatments, restoration, rehabilitation, medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial function associated with eating, breathing, voice, speech, and swallowing related to a cancer diagnosis.

(c) One year following implementation, the Bureau of Medical Services shall report to the Joint Committee on Government and Finance the cost of this change.

CHAPTER 33. INSURANCE.**ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.****§33-15-24. Medical oral health coverage required.**

(a) A policy, plan or contract that is issued or renewed on or after January 1, 2026, and is subject to this article shall provide coverage for oral health medical procedures that are necessary as a side effect of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or radiation.

(b) The coverage required under this section shall include evaluations, examinations, patient education, laboratory assessments, medications, treatments, restoration, rehabilitation, medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial function associated with eating, breathing, voice, speech, and swallowing related to a cancer diagnosis.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-20. Medical oral health coverage required.

1 (a) A policy, plan or contract that is issued or renewed on or after January 1, 2026, and is
2 subject to this article shall provide coverage for oral health medical procedures that are necessary
3 as a side effect of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology,
4 immunotherapy, or radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer
9 diagnosis.

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

§33-24-15. Medical oral health coverage required.

1 (a) A policy, plan or contract that is issued or renewed on or after January 1, 2026, and is
2 subject to this article shall provide coverage for oral health medical procedures that are necessary
3 as a side effect of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology,
4 immunotherapy, or radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer
9 diagnosis.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-23. Medical oral health coverage required.

1 (a) A policy, plan or contract that is issued or renewed on or after January 1, 2026, and is
2 subject to this article shall provide coverage for oral health medical procedures that are necessary
3 as a side effect of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology,
4 immunotherapy, or radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer
9 diagnosis.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-37. Medical oral health coverage required.

1 (a) A policy, plan or contract that is issued or renewed on or after January 1, 2026, and is
2 subject to this article shall provide coverage for oral health medical procedures that are necessary
3 as a side effect of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology,
4 immunotherapy, or radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer
9 diagnosis.

10

NOTE: The purpose of this bill is to require health benefit plan coverage for medically necessary dental procedures that result from cancer treatment; create the Oral Health and Cancer Rights Act; explain the scope of procedures covered as a result of certain cancer treatments; and require the use of a specific billing identifier;

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