

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**House Bill 5102**

**FISCAL  
NOTE**

By Delegates Rohrbach, Shamblin, Bell, Hall,

Dittman, Drennan, Moore, 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 six new sections,  
2 designated §5-16-8b, §33-15-24, §33-16-20, §33-24-15, §33-25-23 and §33-25A-37,  
3 relating to requiring habilitative speech therapy as a treatment for stuttering insurance  
4 coverage.

*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. Habilitative services, habilitative speech therapy as a treatment for stuttering.**

1 (a) On or after July 1, 2026, a policy, plan or contract subject to this article shall provide  
2 coverage for patient cost to a member in habilitative speech therapy as a treatment for stuttering.

3 (b) As used in this section:  
4 "Habilitative services" means health care services that help a person keep, learn, or  
5 improve skills and functioning for daily living;

6 "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or  
7 improve skills and functioning for daily living;

8 "Rehabilitative services" means health care services that help a person restore or improve  
9 skills and functioning for daily living that have been lost or impaired; and

10 "Rehabilitative speech therapy" means speech therapy that helps a person restore or  
11 improve skills and functioning for daily living that have been lost or impaired.

12 (c) Any health insurance policy, certificate, plan, or contract, including but not limited to a  
13 health benefit plan, that provides coverage for:

14        (1) Habilitative services, shall provide coverage for habilitative speech therapy as a  
15        treatment for stuttering, regardless of whether the stuttering is classified as developmental;

16        (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a  
17        treatment for stuttering; or

18        (3) Both habilitative services and rehabilitative services, shall provide the coverage  
19        required this section.

20        (d) The coverage required under this section may not be:

21        (1) Subject to any maximum annual benefit limit, including any limits on the number of  
22        visits an insured may make to a speech-language pathologist;

23        (2) Limited based on the type of disease, injury, disorder, or other medical condition that  
24        resulted in the stuttering; or

25        (3) Subject to utilization review or utilization management requirements, including prior  
26        authorization or a determination that the speech therapy services are medically necessary; and

27        (4) Include coverage for speech therapy provided in person and via telehealth.

28        (e) The telehealth coverage required under this paragraph shall:

29        (1) Be not less than the coverage required for health benefit plans under this article and  
30        (2) Include the use of any communication technology, application, or platform to deliver  
31        telehealth services, except coverage may be restricted to technology, applications, or platforms  
32        that are compliant with any applicable privacy provisions of the federal Health Insurance  
33        Portability and Accountability Act of 1996, 42 U.S.C. sec. 1320d et seq., as amended.

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

37        (g) This section does not limit the authority of the director, the plan, or the plans under §5-  
38        16-11 of this code.

39                   (h) Notwithstanding any provision of this code to the contrary, wherever 49 U.S.C.  
40                   §41713(b) applies to the reimbursement of air ambulance providers under §5-16-8a, the  
41                   provisions of this code, including any administrative, civil, or criminal penalties, are inapplicable.

## CHAPTER 33. INSURANCE.

### ARTICLE           15.           ACCIDENT           AND           SICKNESS           INSURANCE.

#### §33-15-24. Physical therapy, speech, and occupational therapy be covered by all accident

and                   sickness                   insurance                   policies.

1                   (a) Any insurer who, on or after July 1, 2026, delivers or issues a policy of accident and  
2                   sickness insurance in this state under the provisions of this article shall make available as benefits  
3                   to all subscribers and members coverage on an expense-incurred basis and individual and group  
4                   service or indemnity type contracts issued by a nonprofit corporation shall provide coverage for  
5                   patient cost to a member in habitative speech therapy as a treatment for stuttering.

6                   (b) As used in this section:

7                   "habitative services" means health care services that help a person keep, learn, or  
8                   improve skills and functioning for daily living;

9                   "habitative speech therapy" means speech therapy that helps a person keep, learn, or  
10                   improve skills and functioning for daily living;

11                   "rehabilitative services" means health care services that help a person restore or improve  
12                   skills and functioning for daily living that have been lost or impaired; and

13                   "rehabilitative speech therapy" means speech therapy that helps a person restore or  
14                   improve skills and functioning for daily living that have been lost or impaired.

15                   (1) Habitative services, shall provide coverage for habitative speech therapy as a  
16                   treatment for stuttering, regardless of whether the stuttering is classified as developmental;

17                   (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a  
18                   treatment for stuttering; or

19        (3) Both rehabilitative services and rehabilitative services, shall provide the coverage  
20        required with in this section.

21        (c) The coverage required under this section may not be:

22        (1) Subject to any maximum annual benefit limit, including any limits on the number of visits  
23        an insured may make to a speech-language pathologist;

24        (2) Limited based on the type of disease, injury, disorder, or other medical condition that  
25        resulted in the stuttering; or

26        (3) Subject to utilization review or utilization management requirements, including prior  
27        authorization or a determination that the speech therapy services are medically necessary; and

28        (4) Include coverage for speech therapy provided in person and via telehealth.

29        (d) The telehealth coverage required under this paragraph shall:

30        (1) Be not less than the coverage required for health benefit plans under this article and

31        (2) Include the use of any communication technology, application, or platform to deliver

32        telehealth services, except coverage may be restricted to technology, applications, or platforms  
33        that are compliant with any applicable privacy provisions of the federal Health Insurance  
34        Portability and Accountability Act of 1996, 42 17 U.S.C. sec. 1320d et seq., as amended.

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

## **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

### **§33-16-20. Rehabilitative speech therapy as a treatment for stuttering.**

1        (a) All policies issued pursuant to this article shall cover patient cost rehabilitative speech  
2        therapy as a treatment for stuttering. These services shall be exempt from any deductible, for a  
3        visit charge and/or copayment provisions which may be in force in these policies or contracts. This  
4        section does not require that other health care services provided be exempt from any deductible  
5        and/or copayment provisions.

6        (b) As used in this section:

7        "Habilitative services" means health care services that help a person keep, learn, or  
8        improve skills and functioning for daily living;

9        "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or  
10        improve skills and functioning for daily living;

11        "Rehabilitative services" means health care services that help a person restore or improve  
12        skills and functioning for daily living that have been lost or impaired; and

13        "Rehabilitative speech therapy" means speech therapy that helps a person restore or  
14        improve skills and functioning for daily living that have been lost or impaired.

15        (c) Any accident and sickness insurance in this state certificate, plan, or contract, including  
16        but not limited to a health benefit plan, that provides coverage for:

17        (1) Habilitative services, shall provide coverage for habilitative speech therapy as a  
18        treatment for stuttering, regardless of whether the stuttering is classified as developmental;

19        (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a  
20        treatment for stuttering; or

21        (3) Both habilitative services and rehabilitative services, shall provide the coverage  
22        required within this section.

23        (d) The coverage required under this section may not be:

24        (1) Subject to any maximum annual benefit limit, including any limits on the number of visits  
25        an insured may make to a speech-language pathologist;

26        (2) Limited based on the type of disease, injury, disorder, or other medical condition that  
27        resulted in the stuttering; or

28        (3) Subject to utilization review or utilization management requirements, including prior  
29        authorization or a determination that the speech therapy services are medically necessary; and

30        (4) Include coverage for speech therapy provided in person and via telehealth.

31        (e) The telehealth coverage required under this paragraph shall:

32        (1) Be not less than the coverage required for health benefit plans under this article and  
33        (2) Include the use of any communication technology, application, or platform to deliver  
34        telehealth services, except coverage may be restricted to technology, applications, or platforms  
35        that are compliant with any applicable privacy provisions of the federal Health Insurance  
36        Portability and Accountability Act of 1996, 42 U.S.C. sec. 1320d et seq., as amended.

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

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

### **§33-24-15. Habilitative speech therapy as a treatment for stuttering.**

1        (a) On or after July 1, 2026, A policy, plan or contract subject to this article shall provide  
2        coverage for patient cost to a member in habitative speech therapy as a treatment for stuttering.

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

8        (c) As used in this section:

9        "Habilitative services" means health care services that help a person keep, learn, or  
10        improve skills and functioning for daily living;

11        "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or  
12        improve skills and functioning for daily living;

13        "Rehabilitative services" means health care services that help a person restore or improve  
14    skills and functioning for daily living that have been lost or impaired; and

15        "Rehabilitative speech therapy" means speech therapy that helps a person restore or  
16    improve skills and functioning for daily living that have been lost or impaired.

17        (d) Any plan under this article in this state any certificate, plan, or contract, including but not  
18    limited to a health benefit plan, shall provide coverage for:

19        (1) Habilitative services, shall provide coverage for habilitative speech therapy as a  
20    treatment for stuttering, regardless of whether the stuttering is classified as developmental;

21        (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a  
22    treatment for stuttering; or

23        (3) Both habilitative services and rehabilitative services, shall provide the coverage  
24    required within this section.

25        (e) The coverage required under this section may not be:

26        (1) Subject to any maximum annual benefit limit, including any limits on the number of visits  
27    an insured may make to a speech-language pathologist;

28        (2) Limited based on the type of disease, injury, disorder, or other medical condition that  
29    resulted in the stuttering; or

30        (3) Subject to utilization review or utilization management requirements, including prior  
31    authorization or a determination that the speech therapy services are medically necessary; and

32        (4) Include coverage for speech therapy provided in person and via telehealth.

33        (f) The telehealth coverage required under this paragraph shall:

34        (1) Be not less than the coverage required for health benefit plans under this article and

35        (2) Include the use of any communication technology, application, or platform to deliver  
36    telehealth services, except coverage may be restricted to technology, applications, or platforms

37    that are compliant with any applicable privacy provisions of the federal Health Insurance Portability  
38    and Accountability Act of 1996, 42 U.S.C. sec. 1320d et seq., as amended.

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

**ARTICLE                   25.                   HEALTH                   CARE                   CORPORATIONS.**

**§33-25-23.    Habilitative    speech    therapy    as    a    treatment    for    stuttering.**

1       (a) Notwithstanding any provision of any policy, provision, contract, plan or agreement to  
2    which this article applies, any entity regulated by this article shall, on or after July 1, 2026, provide  
3    as benefits to all subscribers and members coverage for the cost of habilitative speech therapy as  
4    a treatment for stuttering services for school age children up to age 18 years. These services shall  
5    be exempt from any deductible, per-visit charge and/or copayment provisions which may be in  
6    force in these policies or contracts. This coverage will cover all costs associated with child physical  
7    therapy, speech, and occupational therapy services. These services shall be exempt from any  
8    deductible, per-visit charge and/or copayment provisions which may be in force in these policies,  
9    provisions, plans, agreements or contracts. This section does not require that other health care  
10    services provided be exempt from any deductible and/or copayment provisions.

11       (b) As used in this section:

12       "Habilitative services" means health care services that help a person keep, learn, or  
13    improve skills and functioning for daily living;

14       "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or  
15    improve skills and functioning for daily living;

16       "Rehabilitative services" means health care services that help a person restore or improve  
17    skills and functioning for daily living that have been lost or impaired; and

18       "Rehabilitative speech therapy" means speech therapy that helps a person restore or  
19    improve skills and functioning for daily living that have been lost or impaired.

20       (c) Any accident and sickness insurance in this state certificate, plan, or contract, including  
21    but not limited to a health benefit plan, that provides coverage for:

22        (1) Habilitative services, shall provide coverage for habilitative speech therapy as a  
23 treatment for stuttering, regardless of whether the stuttering is classified as developmental;

24        (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a  
25 treatment for stuttering; or

26        (3) Both habilitative services and rehabilitative services, shall provide the coverage  
27 required within this section.

28        (d) The coverage required under this section may not be:

29        (1) Subject to any maximum annual benefit limit, including any limits on the number of visits  
30 an insured may make to a speech-language pathologist;

31        (2) Limited based on the type of disease, injury, disorder, or other medical condition that  
32 resulted in the stuttering; or

33        (3) Subject to utilization review or utilization management requirements, including prior  
34 authorization or a determination that the speech therapy services are medically necessary; and

35        (4) Include coverage for speech therapy provided in person and via telehealth.

36        (e) The telehealth coverage required under this paragraph shall:

37        (1) Be not less than the coverage required for health benefit plans under this article and  
38 (2) Include the use of any communication technology, application, or platform to deliver  
39 telehealth services, except coverage may be restricted to technology, applications, or platforms  
40 that are compliant with any applicable privacy provisions of the federal Health Insurance  
41 Portability and Accountability Act of 1996, 42 U.S.C. sec. 1320d et seq., as amended.

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

**ARTICLE      25A.      HEALTH      MAINTENANCE      ORGANIZATION      ACT.**

**§33-25A-37. Coverage of habilitative speech therapy as a treatment for stuttering.**

1        (a) Notwithstanding any provision of any policy, provision, contract, plan or agreement to

2   which this article applies, any entity regulated by this article shall, on or after July 1, 2026 provide  
3   as benefits to all subscribers and members coverage for of habilitative speech therapy as a  
4   treatment for stuttering: *Provided*, That preauthorization or precertification may not be required.

5       (b) Notwithstanding any provision of any policy, provision, contract, plan or agreement to  
6   which this article applies, any entity regulated by this article shall, on or after July 1, 2026, provide  
7   as benefits to all subscribers and members coverage for the cost of habilitative speech therapy as  
8   a treatment for stuttering services. These services shall be exempt from any deductible, per-visit  
9   charge and/or copayment provisions which may be in force in these policies or contracts. This  
10   coverage will cover all costs associated with child physical therapy, speech, and occupational  
11   therapy services. These services shall be exempt from any deductible, per-visit charge and/or  
12   copayment provisions which may be in force in these policies, provisions, plans, agreements or  
13   contracts. This section does not require that other health care services provided be exempt from  
14   any deductible and/or copayment provisions.

15       (c) As used in this section:

16       "Habilitative services" means health care services that help a person keep, learn, or  
17   improve skills and functioning for daily living;

18       "Habilitative speech therapy" means speech therapy that helps a person keep, learn, or  
19   improve skills and functioning for daily living;

20       "Rehabilitative services" means health care services that help a person restore or improve  
21   skills and functioning for daily living that have been lost or impaired; and

22       "Rehabilitative speech therapy" means speech therapy that helps a person restore or  
23   improve skills and functioning for daily living that have been lost or impaired.

24       (d) Any policy under this article in this state shall provide coverage for:

25        (1) Habilitative services, shall provide coverage for habilitative speech therapy as a  
26   treatment for stuttering, regardless of whether the stuttering is classified as developmental;

27        (2) Rehabilitative services, shall provide coverage for rehabilitative speech therapy as a  
28        treatment for stuttering; or

29        (3) Both habitative services and rehabilitative services, shall provide the coverage  
30        required within this section.

31        (e) The coverage required under this section may not be:

32        (1) Subject to any maximum annual benefit limit, including any limits on the number of visits  
33        an insured may make to a speech-language pathologist;

34        (2) Limited based on the type of disease, injury, disorder, or other medical condition that  
35        resulted in the stuttering; or

36        (3) Subject to utilization review or utilization management requirements, including prior  
37        authorization or a determination that the speech therapy services are medically necessary; and

38        (4) Include coverage for speech therapy provided in person and via telehealth.

39        (f) The telehealth coverage required under this paragraph shall:

40        (1) Be not less than the coverage required for health benefit plans under this article and

41        (2) Include the use of any communication technology, application, or platform to deliver  
42        telehealth services, except coverage may be restricted to technology, applications, or platforms

43        that are compliant with any applicable privacy provisions of the federal Health Insurance  
44        Portability and Accountability Act of 1996, 42 U.S.C. sec. 1320d *et seq.*, as amended.

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

NOTE: The purpose of this bill is to require habitative speech therapy as a treatment for stuttering insurance coverage.

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