

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4197

**FISCAL
NOTE**

By Delegates Pritt and Masters

[Introduced January 14, 2026; referred to the
Committee on Health and Human Resources then
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §5-16B-6b, relating to requiring coverage for PANDAS and PANS; providing
3 definitions; clarifying the type of coverage; establishing billing procedures; clarifying
4 treatments; and providing rule-making authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16B. WEST VIRGINIA CHILDREN'S HEALTH INSURANCE PROGRAM.

**§5-16B-6b. Required coverage for pediatric autoimmune neuropsychiatric disorders
associated with streptococcal infections (PANDAS) and pediatric acute-onset
neuropsychiatric syndrome (PANS).**

1 (a) For the purpose of this section:

2 (1) "Managed care organization" or "MCO" means an essential community health service
3 provider that participates in the program; and

4 (2) "Medically necessary" means:

5 (A) Enrollees in the program are eligible to receive only those medical items and services
6 that are:

7 (i) Within the scope of defined benefits for which the enrollee is eligible under the program;
8 and

9 (ii) Determined by the agency to be medically necessary.

10 (B) To be determined to be medically necessary, a medical item or service must be
11 recommended by a physician who is treating the enrollee or other licensed healthcare provider
12 practicing within the scope of the physician's license who is treating the enrollee and must satisfy
13 each of the following criteria:

14 (i) It must be required in order to diagnose or treat an enrollee's medical condition. The
15 convenience of an enrollee, the enrollee's family, or a provider, shall not be a factor or justification
16 in determining that a medical item or service is medically necessary;

17 (ii) It must be safe and effective. To qualify as safe and effective, the type and level of

18 medical item or service must be consistent with the symptoms or diagnosis and treatment of the
19 particular medical condition, and the reasonably anticipated medical benefits of the item or service
20 must outweigh the reasonably anticipated medical risks based on the enrollee's condition and
21 scientifically supported evidence;

22 (iii) It must be the least costly alternative course of diagnosis or treatment that is adequate
23 for the medical condition of the enrollee. When applied to medical items or services delivered in an
24 inpatient setting, it further means that the medical item or service cannot be safely provided for the
25 same or lesser cost to the person in an outpatient setting. Where there are less costly alternative
26 courses of diagnosis or treatment, including less costly alternative settings, that are adequate for
27 the medical condition of the enrollee, more costly alternative courses of diagnosis or treatment are
28 not medically necessary. An alternative course of diagnosis or treatment may include observation,
29 lifestyle or behavioral changes or, where appropriate, no treatment at all; and

30 (iv)(I) It must not be experimental or investigational. A medical item or service is
31 experimental or investigational if there is inadequate empirically-based objective clinical scientific
32 evidence of its safety and effectiveness for the particular use in question. This standard is not
33 satisfied by a provider's subjective clinical judgment on the safety and effectiveness of a medical
34 item or service or by a reasonable medical or clinical hypothesis based on an extrapolation from
35 use in another setting or from use in diagnosing or treating another condition;

36 (II) Use of a drug or biological product that has not been approved under a new drug
37 application for marketing by the United States Food and Drug Administration (FDA) is deemed
38 experimental;

39 (III) Use of a drug or biological product that has been approved for marketing by the FDA
40 but is proposed to be used for other than the FDA-approved purpose will not be deemed medically
41 necessary unless the use can be shown to be widespread, to be generally accepted by the
42 professional medical community as an effective and proven treatment in the setting and for the
43 condition for which it is used, and to satisfy the requirements of paragraph (B)(i)-(iii) of this section.

44 (C) It is the responsibility of the agency ultimately to determine what medical items and
45 services are medically necessary for the program. The fact that a provider has prescribed,
46 recommended or approved a medical item or service does not, in itself, make such item or service
47 medically necessary.

48 (D) The medical necessity standard set forth in this section shall govern the delivery of all
49 services and items to all enrollees or classes of beneficiaries in the program. The agency is
50 authorized to make limited special provisions for particular items or services, such as long-term
51 care, or such as may be required for compliance with federal law.

52 (b) The agency shall require every group health insurance contract, and every group
53 hospital or medical expense insurance policy, plan, and group policy delivered, issued for delivery,
54 amended, or renewed in this state by an MCO on or after January 1, 2027, to provide coverage for
55 physician prescribed treatment, deemed medically necessary of pediatric autoimmune
56 neuropsychiatric disorders associated with streptococcal infections (PANDAS) and pediatric
57 acute-onset neuropsychiatric syndrome (PANS). Such treatment must include antibiotics,
58 medication, behavioral therapies to manage neuropsychiatric symptoms, immunomodulating
59 medicines, plasma exchange, and intravenous immunoglobulin therapy. Benefits provided under
60 this section are not subject to a greater co-payment, deductible, or coinsurance than another
61 similar benefit provided by the MCO. Coverage authorization must be provided in a timely manner
62 consistent with insurance rules for urgent treatments.

63 (c) A group or individual policy of accident and health insurance or managed care must not
64 deny or delay coverage for medically necessary treatment under this section solely because the
65 recipient previously received treatment, including the same or similar treatment, for PANDAS or
66 PANS, or because the recipient has been diagnosed with or received treatment for their condition
67 under a different diagnostic name, such as autoimmune encephalopathy. For the purposes of this
68 section, coverage of PANDAS and PANS must adhere to the treatment recommendations
69 developed by a medical professional consortium convened for the purposes of researching,

70 identifying, and publishing best practice standards for diagnosis and treatment of such disorders
71 that are accessible for medical professionals and are based on evidence of positive patient
72 outcomes. Coverage for a form of medically necessary treatment must not be limited over the
73 lifetime of a recipient or by the duration of a policy period. This section does not prevent an MCO
74 from requesting treatment notes and anticipated duration of treatment and outcomes.

75 (d) For billing and diagnosis purposes, PANDAS and PANS must be coded as autoimmune
76 encephalitis until the American Medical Association and the Centers for Medicare and Medicaid
77 Services create and assign a specific code for PANDAS and PANS. Thereafter, PANDAS and
78 PANS may be coded as autoimmune encephalitis, PANDAS, or PANS. If a new common name or
79 code is utilized for PANDAS and PANS, then this section applies to patients with conditions under
80 that new common name or code.

81 (e) The secretary shall propose rules for legislative approval in accordance with the
82 provisions of §29A-3-1 *et seq.* of this code which he or she finds necessary to effectuate the
83 provisions of this article.

NOTE: The purpose of this bill is to provide coverage for physician prescribed treatment, deemed medically necessary, of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS) and pediatric acute-onset neuropsychiatric syndrome (PANS).

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