

**H. B. 2887**

(By Delegates Frazier, Ellington, Mahan, Brown,  
Marshall, Lawrence, Barill, Hall,  
Hatfield and Hunt)

[Introduced January 27, 2011; referred to the  
Committee on Banking and Insurance then Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §5-16-7f; to amend  
said code by adding thereto a new section, designated §9-5-21;  
and to amend said code by adding thereto a new section,  
designated §33-16-3v, all relating to requiring health  
insurance coverage for eosinophilic disorders.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §5-16-7f; that said  
code be amended by adding thereto a new section, designated §9-5-  
21; and that said code be amended by adding thereto a new section,  
designated §33-16-3v, all to read as follows:

**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.**

1 **§5-16-7f. Required coverage for eosinophilic disorders.**

2 (a) The agency shall provide coverage for the diagnosis and  
3 treatment of eosinophilic disorders. To the extent that the  
4 diagnosis of eosinophilic disorders and the treatment of  
5 eosinophilic disorders are not already covered by the agency,  
6 coverage under this section shall be included in health insurance  
7 policies that are delivered, executed, issued, amended, adjusted or  
8 renewed in this state, or outside this state if insuring residents  
9 of this state, on or after the effective date of the enactment of  
10 this section during the 2011 regular session of the Legislature.

11 The agency may not terminate coverage, or refuse to deliver,  
12 execute, issue, amend, adjust or renew coverage to an individual  
13 solely because the individual is diagnosed with one of the  
14 eosinophilic disorders, has received treatment for eosinophilic  
15 disorders, or is at risk for a diagnosis of eosinophilic disorders.

16 (b) Eosinophilic disorders occur when eosinophils, a type of  
17 white blood cell, are found in above-normal amounts in various  
18 parts of the body. When the body wants to attack a substance, such  
19 as an allergy-triggering food or airborne allergen, eosinophils  
20 respond by moving into the area and releasing a variety of toxins.  
21 However, when the body produces too many eosinophils, they can  
22 cause chronic inflammation, resulting in tissue damage. These rare  
23 diseases are diagnosed according to where the elevated levels of  
24 eosinophils are found and include:

- 1     (1) Eosinophilic esophagitis (esophagus);
- 2     (2) Eosinophilic gastritis (stomach);
- 3     (3) Eosinophilic enteritis (small intestine);
- 4     (4) Eosinophilic colitis (large intestine); and
- 5     (5) Hypereosinophilic syndrome (blood and any organ).

6                   **CHAPTER 9. HUMAN SERVICES.**

7 **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

8 **§9-5-21. Medicaid; required coverage for eosinophilic disorders.**

9     (a) The Department of Health and Human Resources shall provide  
10 coverage for the diagnosis and treatment of eosinophilic disorders.

11 To the extent that the diagnosis of eosinophilic disorders and the  
12 treatment of eosinophilic disorders are not already covered by the  
13 agency, coverage under this section shall be included in health  
14 insurance policies that are delivered, executed, issued, amended,  
15 adjusted or renewed in this state, or outside this state if  
16 insuring residents of this state, on or after the effective date of  
17 the enactment of this section during the 2011 regular session of  
18 the Legislature. The agency may not terminate coverage, or refuse  
19 to deliver, execute, issue, amend, adjust or renew coverage to an  
20 individual solely because the individual is diagnosed with one of  
21 the eosinophilic disorders, has received treatment for eosinophilic  
22 disorders, or is at risk for a diagnosis of eosinophilic disorders.

23     (b) Eosinophilic disorders occur when eosinophils, a type of  
24 white blood cell, are found in above-normal amounts in various

1 parts of the body. When the body wants to attack a substance, such  
2 as an allergy-triggering food or airborne allergen, eosinophils  
3 respond by moving into the area and releasing a variety of toxins.  
4 However, when the body produces too many eosinophils, they can  
5 cause chronic inflammation, resulting in tissue damage. These rare  
6 diseases are diagnosed according to where the elevated levels of  
7 eosinophils are found and include:

8 (1) Eosinophilic esophagitis (esophagus);

9 (2) Eosinophilic gastritis (stomach);

10 (3) Eosinophilic enteritis (small intestine);

11 (4) Eosinophilic colitis (large intestine); and

12 (5) Hypereosinophilic syndrome (blood and any organ).

13 **CHAPTER 33. INSURANCE.**

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

15 **§33-16-3v. Requirements for coverage of eosinophilic disorders.**

16 (a) A health insurance policy issued pursuant to the  
17 provisions of this chapter, except supplemental health insurance,  
18 shall provide coverage for the diagnosis of and treatment of  
19 eosinophilic disorders. To the extent that the diagnosis of  
20 eosinophilic disorders and the treatment of eosinophilic disorders  
21 are not already covered by a health insurance policy, coverage  
22 under this section will be included in health insurance policies  
23 that are delivered, executed, issued, amended, adjusted or renewed  
24 in this state, or outside this state if insuring residents of this

1 state, on or after sixty days from the effective date of this  
2 section. No insurer may terminate coverage, or refuse to deliver,  
3 execute, issue, amend, adjust or renew coverage to an individual  
4 solely because the individual is diagnosed with one of the  
5 eosinophilic disorders or has received treatment for eosinophilic  
6 disorders

7 (b) Eosinophilic disorders occur when eosinophils, a type of  
8 white blood cell, are found in above-normal amounts in various  
9 parts of the body. When the body wants to attack a substance, such  
10 as an allergy-triggering food or airborne allergen, eosinophils  
11 respond by moving into the area and releasing a variety of toxins.  
12 However, when the body produces too many eosinophils, they can  
13 cause chronic inflammation, resulting in tissue damage. These rare  
14 diseases are diagnosed according to where the elevated levels of  
15 eosinophils are found and include:

16 (1) Eosinophilic esophagitis (esophagus);

17 (2) Eosinophilic gastritis (stomach);

18 (3) Eosinophilic enteritis (small intestine);

19 (4) Eosinophilic colitis (large intestine); and

20 (5) Hypereosinophilic syndrome (blood and any organ).

NOTE: The purpose of this bill is to require health insurance coverage for eosinophilic disorders.

These sections are new; therefore, it has been completely underscored.