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Senate Bill No. 73

(By Senators Foster, Klempa and Plymale)

[Introduced January 13, 2011; referred to the Committee on
Banking and Insurance; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §5-16-7a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-21; to amend and reenact §33-15-4f of said code; to amend and reenact §33-16-3o of said code; to amend and reenact §33-24-7f of said code; to amend and reenact §33-25-8e of said code; and to amend and reenact §33-25A-8e of said code, all relating to requiring insurers to provide coverage for colorectal screening for individuals fifty years of age and older.

Be it enacted by the Legislature of West Virginia:

That §5-16-7a of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §9-5-21; that §33-15-4f of said code be amended and reenacted; that §33-16-3o of said code be amended and reenacted; that §33-24-7f of said code be amended and reenacted; that §33-25-8e of said code be amended and reenacted; and that §33-25A-8e of said code be amended and reenacted, all to read as follows:

1 **CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR,**
2 **SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD**
3 **OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS,**
4 **OFFICES, PROGRAMS, ETC.**

5 **ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

6 **§5-16-7a. Additional mandated benefits; required coverage for**
7 **colorectal cancer examination and laboratory testing.**

8 (a) Notwithstanding any provision of any policy, provision,
9 contract, plan or agreement applicable to this article,
10 ~~reimbursement or indemnification~~ the agency shall provide coverage
11 for colorectal cancer examinations and laboratory testing ~~may not~~
12 ~~be denied for any~~ for a nonsymptomatic person fifty years of age or
13 older or a symptomatic person under fifty years of age when
14 ~~reimbursement or indemnity for laboratory or X ray services are~~
15 ~~covered under the policy and are performed for colorectal cancer~~
16 screening or diagnostic purposes at the direction of a person
17 licensed to practice medicine and surgery by the ~~board of~~ West
18 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
19 an annual fecal occult blood test, a flexible sigmoidoscopy
20 repeated every five years, a colonoscopy repeated every ten years,
21 ~~and~~ a double contrast barium enema repeated every five years or
22 other test or testing procedure generally accepted by the medical
23 community.

24 (b) A symptomatic person is defined as:

- 25 ~~(i)~~ (1) An individual who experiences a change in bowel
26 habits, rectal bleeding or stomach cramps that are persistent; or
- 27 ~~(ii)~~ (2) An individual who poses a higher than average risk

1 for colorectal cancer because he or she has had colorectal cancer
2 or polyps, inflammatory bowel disease or an immediate family
3 history of such conditions.

4 (c) The same deductibles, coinsurance, network restrictions
5 and other limitations for covered services found in the policy,
6 provision, contract, plan or agreement of the covered person may
7 apply to colorectal cancer examinations and laboratory testing.

8 **CHAPTER 9. HUMAN SERVICES.**

9 **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

10 **§9-5-21. Required coverage for colorectal cancer examination and**
11 **laboratory testing.**

12 (a) Notwithstanding any provision of any policy, provision,
13 contract, plan or agreement applicable to this article, coverage
14 shall be provided for colorectal cancer examinations and laboratory
15 testing for a nonsymptomatic person fifty years of age or older or
16 a symptomatic person under fifty years of age when performed for
17 colorectal cancer screening or diagnostic purposes at the direction
18 of a person licensed to practice medicine and surgery by the West
19 Virginia Board of Medicine. The tests include an annual fecal
20 occult blood test, a flexible sigmoidoscopy repeated every five
21 years, a colonoscopy repeated every ten years, a double contrast
22 barium enema repeated every five years or other test and testing
23 procedure generally accepted by the medical community.

24 (b) A symptomatic person is defined as:

25 (1) An individual who experiences a change in bowel habits,
26 rectal bleeding or stomach cramps that are persistent; or

27 (2) An individual who poses a higher than average risk for

1 colorectal cancer because he or she has had colorectal cancer or
 2 polyps, inflammatory bowel disease or an immediate family history
 3 of such conditions.

4 (c) The same deductibles, coinsurance, network restrictions
 5 and other limitations for covered services found in the policy,
 6 provision, contract, plan or agreement of the covered person may
 7 apply to colorectal cancer examinations and laboratory testing.

8 **CHAPTER 33. INSURANCE.**

9 **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

10 **§33-15-4f. Required coverage for colorectal cancer examination and** 11 **laboratory testing.**

12 (a) Notwithstanding any provision of any policy, provision,
 13 contract, plan or agreement applicable to this article,
 14 ~~reimbursement or indemnification~~ coverage shall be provided for
 15 colorectal cancer examinations and laboratory testing ~~may not be~~
 16 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
 17 older or a symptomatic person under fifty years of age when
 18 ~~reimbursement or indemnity for laboratory or X ray services are~~
 19 ~~covered under the policy and are~~ performed for colorectal cancer
 20 screening or diagnostic purposes at the direction of a person
 21 licensed to practice medicine and surgery by the ~~board of~~ West
 22 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
 23 an annual fecal occult blood test, a flexible sigmoidoscopy
 24 repeated every five years, a colonoscopy repeated every ten years,
 25 ~~and~~ a double contrast barium enema repeated every five years or
 26 other test or testing procedure generally accepted by the medical
 27 community.

1 (b) A symptomatic person is defined as:

2 ~~(i)~~ (1) An individual who experiences a change in bowel
3 habits, rectal bleeding or stomach cramps that are persistent; or

4 ~~(ii)~~ (2) An individual who poses a higher than average risk
5 for colorectal cancer because he or she has had colorectal cancer
6 or polyps, inflammatory bowel disease or an immediate family
7 history of such conditions.

8 (c) The same deductibles, coinsurance, network restrictions
9 and other limitations for covered services found in the policy,
10 provision, contract, plan or agreement of the covered person may
11 apply to colorectal cancer examinations and laboratory testing.

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

13 **§33-16-30. Required coverage for colorectal cancer examination and**
14 **laboratory testing.**

15 (a) Notwithstanding any provision of any policy, provision,
16 contract, plan or agreement applicable to this article,
17 ~~reimbursement or indemnification~~ coverage shall be provided for
18 colorectal cancer examinations and laboratory testing ~~may not be~~
19 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
20 older or a symptomatic person under fifty years of age when
21 ~~reimbursement or indemnity for laboratory or X ray services are~~
22 ~~covered under the policy and are performed for colorectal cancer~~
23 screening or diagnostic purposes at the direction of a person
24 licensed to practice medicine and surgery by the ~~board of~~ West
25 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
26 an annual fecal occult blood test, a flexible sigmoidoscopy
27 repeated every five years, a colonoscopy repeated every ten years,

1 ~~and~~ a double contrast barium enema repeated every five years or
2 other test or testing procedure generally accepted by the medical
3 community.

4 (b) A symptomatic person is defined as:

5 ~~(i)~~ (1) An individual who experiences a change in bowel
6 habits, rectal bleeding or stomach cramps that are persistent; or

7 ~~(ii)~~ (2) An individual who poses a higher than average risk
8 for colorectal cancer because he or she has had colorectal cancer
9 or polyps, inflammatory bowel disease or an immediate family
10 history of such conditions.

11 (c) The same deductibles, coinsurance, network restrictions
12 and other limitations for covered services found in the policy,
13 provision, contract, plan or agreement of the covered person may
14 apply to colorectal cancer examinations and laboratory testing.

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

18 **§33-24-7f. Required coverage for colorectal cancer examination and**
19 **laboratory testing.**

20 (a) Notwithstanding any provision of any policy, provision,
21 contract, plan or agreement applicable to this article,
22 ~~reimbursement or indemnification~~ coverage shall be provided for
23 colorectal cancer examinations and laboratory testing ~~may not be~~
24 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
25 older or a symptomatic person under fifty years of age when
26 ~~reimbursement or indemnity for laboratory or X ray services are~~
27 ~~covered under the policy and are performed for colorectal cancer~~

1 screening or diagnostic purposes at the direction of a person
 2 licensed to practice medicine and surgery by the ~~board of~~ West
 3 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
 4 an annual fecal occult blood test, a flexible sigmoidoscopy
 5 repeated every five years, a colonoscopy repeated every ten years,
 6 ~~and~~ a double contrast barium enema repeated every five years or
 7 other test or testing procedure generally accepted by the medical
 8 community.

9 (b) A symptomatic person is defined as:

10 ~~(i)~~ (1) An individual who experiences a change in bowel
 11 habits, rectal bleeding or stomach cramps that are persistent; or

12 ~~(ii)~~ (2) An individual who poses a higher than average risk
 13 for colorectal cancer because he or she has had colorectal cancer
 14 or polyps, inflammatory bowel disease or an immediate family
 15 history of such conditions.

16 (c) The same deductibles, coinsurance, network restrictions
 17 and other limitations for covered services found in the policy,
 18 provision, contract, plan or agreement of the covered person may
 19 apply to colorectal cancer examinations and laboratory testing.

20 **ARTICLE 25. HEALTH CARE CORPORATIONS.**

21 **§33-25-8e. Required coverage for colorectal cancer examination and**
 22 **laboratory testing.**

23 (a) Notwithstanding any provision of any policy, provision,
 24 contract, plan or agreement applicable to this article,
 25 ~~reimbursement or indemnification~~ coverage shall be provided for
 26 colorectal cancer examinations and laboratory testing ~~may not be~~
 27 ~~denied for any~~ for a nonsymptomatic person fifty years of age or

1 older or a symptomatic person under fifty years of age when
 2 ~~reimbursement or indemnity for laboratory or X ray services are~~
 3 ~~covered under the policy and are performed for colorectal cancer~~
 4 screening or diagnostic purposes at the direction of a person
 5 licensed to practice medicine and surgery by the ~~board of~~ West
 6 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
 7 an annual fecal occult blood test, a flexible sigmoidoscopy
 8 repeated every five years, a colonoscopy repeated every ten years,
 9 ~~and~~ a double contrast barium enema repeated every five years or
 10 other test or testing procedure generally accepted by the medical
 11 community.

12 (b) A symptomatic person is defined as:

13 ~~(i)~~ (1) An individual who experiences a change in bowel
 14 habits, rectal bleeding or stomach cramps that are persistent; or

15 ~~(ii)~~ (2) An individual who poses a higher than average risk
 16 for colorectal cancer because he or she has had colorectal cancer
 17 or polyps, inflammatory bowel disease or an immediate family
 18 history of such conditions.

19 (c) The same deductibles, coinsurance, network restrictions
 20 and other limitations for covered services found in the policy,
 21 provision, contract, plan or agreement of the covered person may
 22 apply to colorectal cancer examinations and laboratory testing.

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

24 **§33-25A-8e. Required coverage for colorectal cancer examination**
 25 **and laboratory testing.**

26 (a) Notwithstanding any provision of any policy, provision,
 27 contract, plan or agreement applicable to this article,

1 ~~reimbursement or indemnification~~ coverage shall be provided for
2 colorectal cancer examinations and laboratory testing ~~may not be~~
3 ~~denied for any~~ for a nonsymptomatic person fifty years of age or
4 older or a symptomatic person under fifty years of age when
5 ~~reimbursement or indemnity for laboratory or X ray services are~~
6 ~~covered under the policy and are performed for colorectal cancer~~
7 screening or diagnostic purposes at the direction of a person
8 licensed to practice medicine and surgery by the ~~board of~~ West
9 Virginia Board of Medicine. The tests ~~are as follows:~~ An include
10 an annual fecal occult blood test, a flexible sigmoidoscopy
11 repeated every five years, a colonoscopy repeated every ten years,
12 ~~and~~ a double contrast barium enema repeated every five years or
13 other test or testing procedure generally accepted by the medical
14 community.

15 (b) A symptomatic person is defined as:

16 ~~(i)~~ (1) An individual who experiences a change in bowel
17 habits, rectal bleeding or stomach cramps that are persistent; or
18 ~~(ii)~~ (2) An individual who poses a higher than average risk
19 for colorectal cancer because he or she has had colorectal cancer
20 or polyps, inflammatory bowel disease or an immediate family
21 history of such conditions.

22 (c) The same deductibles, coinsurance, network restrictions
23 and other limitations for covered services found in the policy,
24 provision, contract, plan or agreement of the covered person may
25 apply to colorectal cancer examinations and laboratory testing.

NOTE: The purpose of this bill is to require health insurance coverage for colorectal cancer examination and testing for

individuals fifty years of age or older.

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

§9-5-21 is new; therefore, strike-throughs and underscoring have been omitted.