

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4468**

4 (By Delegates Ferns, Cann, Fleischauer, Frazier,
5 Hall, Iaquinta, Manchin, Michael, Miley,
6 Nelson and Poore)

7 (Originating in the Committee on the Judiciary)

8 [February 24, 2012]

9
10 A BILL to amend and reenact §33-15-14 of the Code of West Virginia,
11 1931, as amended, to amend and reenact §33-16-10 of said code;
12 to amend and reenact §33-24-43 of said code; to amend and
13 reenact §33-25-20 of said code; and to amend and reenact
14 §33-25A-31 of said code, relating to prohibiting insurance
15 companies from discriminating against certain health care
16 providers; and proscribing discrimination by health care
17 providers.

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

19 That §33-15-14 of the Code of West Virginia, 1931, as amended,
20 be amended and reenacted; that §33-16-10 of said code be amended
21 and reenacted; that §33-24-43 of said code be amended and
22 reenacted; that §33-25-20 of said code be amended and reenacted;
23 and that §33-25A-31 of said code be amended and reenacted, all to
24 read as follows:

25 **CHAPTER 33. INSURANCE.**

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

1 **§33-15-14. Policies discriminating among health care providers.**

2 Notwithstanding any other provisions of law, when any health
3 insurance policy, health care services plan or other contract
4 provides for the payment of medical expenses, benefits or
5 procedures, ~~such~~ the policy, plan or contract shall be construed to
6 include payment to all health care providers including, but not
7 limited to, medical physicians, osteopathic physicians, podiatric
8 physicians, chiropractic physicians, physical therapists,
9 occupational therapists, midwives, ~~and~~ nurse practitioners and
10 their licensed assistants, who provide medical services, benefits
11 or procedures which are within the scope of each respective
12 provider's license and so long as the healthcare provider does not
13 discriminate, in any manner, against or refuse to treat any person
14 based upon the manner by which that person became injured or sick.
15 Any limitation or condition placed upon services, diagnoses or
16 treatment by, or payment to any particular type of licensed
17 provider shall apply equally to all types of licensed providers
18 without unfair discrimination as to the usual and customary
19 treatment procedures of any of the aforesaid providers.

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

21 **§33-16-10. Policies discriminating among health care providers.**

22 Notwithstanding any other provisions of law, when any health
23 insurance policy, health care services plan or other contract
24 provides for the payment of medical expenses, benefits or
25 procedures, such policy, plan or contract shall be construed to

1 include payment to all health care providers including, but not
2 limited to, medical physicians, osteopathic physicians, podiatric
3 physicians, chiropractic physicians, physical therapists,
4 occupational therapists, midwives, ~~and~~ nurse practitioners and
5 their licensed assistants, who provide medical services, benefits
6 or procedures which are within the scope of each respective
7 provider's license and so long as the healthcare provider does not
8 discriminate, in any manner, against or refuse to treat any person
9 based upon the manner by which that person became injured or sick.
10 Any limitation or condition placed upon services, diagnoses or
11 treatment by, or payment to any particular type of licensed
12 provider shall apply equally to all types of licensed providers
13 without unfair discrimination as to the usual and customary
14 treatment procedures of any of the aforesaid providers.

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

18 **§33-24-43. Policies discriminating among health care providers.**

19 Notwithstanding any other provisions of law, when any health
20 insurance policy, health care services plan or other contract
21 provides for the payment of medical expenses, benefits or
22 procedures, such policy, plan or contract shall be construed to
23 include payment to all health care providers including, but not
24 limited to, medical physicians, osteopathic physicians, podiatric
25 physicians, chiropractic physicians, physical therapists,

1 occupational therapists, midwives, and nurse practitioners and
2 their licensed assistants, who provide medical services, benefits
3 or procedures which are within the scope of each respective
4 provider's license and so long as the healthcare provider does not
5 discriminate, in any manner, against or refuse to treat any person
6 based upon the manner by which that person became injured or sick.
7 Any limitation or condition placed upon services, diagnoses or
8 treatment by, or payment to any particular type of licensed
9 provider shall apply equally to all types of licensed providers
10 without unfair discrimination as to the usual and customary
11 treatment procedures of any of the aforesaid providers.

12 **ARTICLE 25. HEALTH CARE CORPORATIONS.**

13 **§33-25-20. Policies discriminating among health care providers.**

14 Notwithstanding any other provisions of law, when any health
15 insurance policy, health care services plan or other contract
16 provides for the payment of medical expenses, benefits or
17 procedures, such policy, plan or contract shall be construed to
18 include payment to all health care providers including, but not
19 limited to, medical physicians, osteopathic physicians, podiatric
20 physicians, chiropractic physicians, physical therapists,
21 occupational therapists, midwives, and nurse practitioners and
22 their licensed assistants, who provide medical services, benefits
23 or procedures which are within the scope of each respective
24 provider's license and so long as the healthcare provider does not
25 discriminate, in any manner, against or refuse to treat any person
26 based upon the manner by which that person became injured or sick.

1 Any limitation or condition placed upon services, diagnoses or
2 treatment by, or payment to any particular type of licensed
3 provider shall apply equally to all types of licensed providers
4 without unfair discrimination as to the usual and customary
5 treatment procedures of any of the aforesaid providers.

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

7 **§33-25A-31. Policies discriminating among health care providers.**

8 Notwithstanding any other provisions of law, when any health
9 insurance policy, health care services plan or other contract
10 provides for the payment of medical expenses, benefits or
11 procedures, such policy, plan or contract shall be construed to
12 include payment to all health care providers including, but not
13 limited to, medical physicians, osteopathic physicians, podiatric
14 physicians, chiropractic physicians, physical therapists,
15 occupational therapists, midwives, and nurse practitioners and
16 their licensed assistants, who provide medical services, benefits
17 or procedures which are within the scope of each respective
18 provider's license and so long as the healthcare provider does not
19 discriminate, in any manner, against or refuse to treat any person
20 based upon the manner by which that person became injured or sick.

21 Any limitation or condition placed upon services, diagnoses or
22 treatment by, or payment to any particular type of licensed
23 provider shall apply equally to all types of licensed providers
24 without unfair discrimination as to the usual and customary
25 treatment procedures of any of the aforesaid providers.