

COMMITTEE SUBSTITUTE

FOR

**H. B. 4468**

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(BY DELEGATES FERNS, CANN, FLEISCHAUER,  
FRAZIER, HALL, IAQUINTA, MANCHIN,  
MICHAEL, MILEY, NELSON AND POORE)

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(Originating in the Committee on the Judiciary)  
[February 24, 2012]

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

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

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

### **CHAPTER 33. INSURANCE.**

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

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

1           Notwithstanding any other provisions of law, when any  
2 health insurance policy, health care services plan or other  
3 contract provides for the payment of medical expenses,  
4 benefits or procedures, ~~such~~ the policy, plan or contract shall  
5 be construed to include payment to all health care providers  
6 including, but not limited to, medical physicians, osteopathic  
7 physicians, podiatric physicians, chiropractic physicians,  
8 physical therapists, occupational therapists, midwives, and  
9 nurse practitioners and their licensed assistants, who provide  
10 medical services, benefits or procedures which are within the

11 scope of each respective provider's license and so long as the  
12 healthcare provider does not discriminate, in any manner,  
13 against or refuse to treat any person based upon the manner  
14 by which that person became injured or sick. Any limitation  
15 or condition placed upon services, diagnoses or treatment by,  
16 or payment to any particular type of licensed provider shall  
17 apply equally to all types of licensed providers without unfair  
18 discrimination as to the usual and customary treatment  
19 procedures of any of the aforesaid providers.

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

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

1 Notwithstanding any other provisions of law, when any  
2 health insurance policy, health care services plan or other  
3 contract provides for the payment of medical expenses,  
4 benefits or procedures, such policy, plan or contract shall be  
5 construed to include payment to all health care providers  
6 including, but not limited to, medical physicians, osteopathic  
7 physicians, podiatric physicians, chiropractic physicians,

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

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS,  
M E D I C A L S E R V I C E  
CORPORATIONS, DENTAL SERVICE  
CORPORATIONS AND HEALTH  
SERVICE CORPORATIONS.**

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

1 Notwithstanding any other provisions of law, when any  
2 health insurance policy, health care services plan or other

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

**ARTICLE 25. HEALTH CARE CORPORATIONS.**

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

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

17 apply equally to all types of licensed providers without unfair  
18 discrimination as to the usual and customary treatment  
19 procedures of any of the aforesaid providers.

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

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

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

14 by which that person became injured or sick. Any limitation  
15 or condition placed upon services, diagnoses or treatment by,  
16 or payment to any particular type of licensed provider shall  
17 apply equally to all types of licensed providers without unfair  
18 discrimination as to the usual and customary treatment  
19 procedures of any of the aforesaid providers.