

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4328

BY DELEGATES PACK, KESSINGER, GRAVES,

HIGGINBOTHAM, C. MILLER AND UPSON

[Introduced January 26, 2018; Referred
to the Committee on Banking and Insurance then
Health and Human Resources.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §33-6-38; to amend said code by adding thereto a new section, designated
 3 §33-15-4I; to amend said code by adding thereto a new section, designated §33-16-3x;
 4 and to amend said code by adding thereto a new section, designated §33-25A-8I; all
 5 relating to requiring health insurance providers to provide coverage for long-term antibiotic
 6 therapy for a patient with Lyme Disease.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-38. Lyme Disease to be covered by all health insurance policies.

1 All individual and group health insurance policies providing coverage on an expense
 2 incurred basis and individual and group service or indemnity type contracts issued by a nonprofit
 3 corporation shall provide coverage for long-term antibiotic therapy for a patient with Lyme Disease
 4 when determined to be medically necessary and ordered by a licensed physician after making a
 5 thorough evaluation of the patient’s symptoms, diagnostic test results, or response to treatment.
 6 An experimental drug shall be covered as a long-term antibiotic therapy if it is approved for any
 7 indication by the United States Food and Drug Administration. However, a drug, including an
 8 experimental drug, shall be covered for an off-label use in the treatment of Lyme Disease if the
 9 drug has been approved by the United States Food and Drug Administration.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4I. Lyme Disease to be covered by all health insurance policies.

1 Any insurer who, on or after January 1, 2019, delivers or issues a policy of accident and
 2 sickness insurance in this state under the provisions of this article shall make available as benefits
 3 to all subscribers and members coverage on an expense incurred basis and individual and group
 4 service or indemnity type contracts issued by a nonprofit corporation shall provide coverage for
 5 long-term antibiotic therapy for a patient with Lyme Disease when determined to be medically

6 necessary and ordered by a licensed physician after making a thorough evaluation of the patient's
7 symptoms, diagnostic test results, or response to treatment. An experimental drug shall be
8 covered as a long-term antibiotic therapy if it is approved for any indication by the United States
9 Food and Drug Administration. However, a drug, including an experimental drug, shall be covered
10 for an off-label use in the treatment of Lyme Disease if the drug has been approved by the United
11 States Food and Drug Administration.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3x. Lyme Disease to be covered by all health insurance policies.

1 Any insurer who, on or after January 1, 2019, delivers or issues a policy of group accident
2 and sickness insurance in this state under the provisions of this article shall make available as
3 benefits to all subscribers and members coverage on an expense incurred basis and individual
4 and group service or indemnity type contracts issued by a nonprofit corporation shall provide
5 coverage for long-term antibiotic therapy for a patient with Lyme Disease when determined to be
6 medically necessary and ordered by a licensed physician after making a thorough evaluation of
7 the patient's symptoms, diagnostic test results, or response to treatment. An experimental drug
8 shall be covered as a long-term antibiotic therapy if it is approved for any indication by the United
9 States Food and Drug Administration. However, a drug, including an experimental drug, shall be
10 covered for an off-label use in the treatment of Lyme Disease if the drug has been approved by
11 the United States Food and Drug Administration.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8I. Lyme Disease to be covered by all health insurance policies.

1 A health maintenance organization issuing coverage in this state pursuant to the
2 provisions of this article shall make available as benefits to all subscribers and members coverage
3 on an expense incurred basis and individual and group service or indemnity type contracts issued
4 by a nonprofit corporation shall provide coverage for long-term antibiotic therapy for a patient with

5 Lyme Disease when determined to be medically necessary and ordered by a licensed physician
6 after making a thorough evaluation of the patient's symptoms, diagnostic test results, or response
7 to treatment. An experimental drug shall be covered as a long-term antibiotic therapy if it is
8 approved for any indication by the United States Food and Drug Administration. However, a drug,
9 including an experimental drug, shall be covered for an off-label use in the treatment of Lyme
10 Disease if the drug has been approved by the United States Food and Drug Administration.

NOTE: The purpose of this bill is to require health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme Disease.

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