

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2252

BY DELEGATES GRAVES, HANSEN, AND FLEISCHAUER

[Introduced February 10, 2021; Referred to the
Committee on Health and Human Resources then
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5-16-7g; to amend said code by adding thereto a new section, designated
3 §9-5-28; to amend said code by adding thereto a new section, designated §33-15-4u; to
4 amend said code by adding thereto a new section, designated §33-16-3ff; to amend said
5 code by adding thereto a new section, designated §33-24-7u; to amend said code by
6 adding thereto a new section, designated §33-25-8r; and to amend said code by adding
7 thereto a new section, designated §33-25A-8u, all relating to requiring Medicaid and
8 insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders
9 associated with streptococcal infections and pediatric acute onset neuropsychiatric
10 syndrome and other autoimmune encephalopathies, including, but not limited to,
11 antibiotics, medication and behavioral therapies to manage neuropsychiatric symptoms,
12 plasmapheresis, intravenous immunoglobulin therapy, and other therapies and
13 medications consistent with evidence-based treatment guidelines; requiring that covered
14 treatments be recommended by the insured's licensed and properly credentialed health
15 care professional; and providing for coverage of intravenous immunoglobulin therapy only
16 where an insured's licensed and properly credentialed health care professional
17 demonstrates that all other treatments have been exhausted.

Be it enacted by the Legislature of West Virginia:

**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.

§5-16-7g. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders

associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune encephalopathies.

1 Notwithstanding any other provision of this code, a plan issued or renewed, under this
2 article after December 31, 2021, shall provide coverage for treatment of pediatric autoimmune
3 neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset
4 neuropsychiatric syndrome and other autoimmune encephalopathies, including, but not limited to,
5 antibiotics, medication and behavioral therapies to manage neuropsychiatric symptoms,
6 plasmapheresis, intravenous immunoglobulin therapy, and other therapies and medications
7 consistent with evidence-based treatment guidelines such as those published in the Journal of
8 Child and Adolescent Psychopharmacology and nationally recognized expert consensus
9 guidelines. Treatments that must be covered under this section must be recommended by the
10 insured's licensed and properly credentialed health care professional. Intravenous
11 immunoglobulin therapy shall only be covered if the insured's licensed and properly credentialed
12 health care professional can demonstrate that all other treatments have been exhausted.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-28. Medicaid Program; coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome neuropsychiatric syndrome and other autoimmune encephalopathies.

1 The secretary shall take appropriate action so that the Medicaid program provides
2 coverage, by January 1, 2022, for treatment of pediatric autoimmune neuropsychiatric disorders
3 associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome and
4 other autoimmune encephalopathies, including, but not limited to, antibiotics, medication and
5 behavioral therapies to manage neuropsychiatric symptoms, plasmapheresis, intravenous

6 immunoglobulin therapy, and other therapies and medications consistent with evidence-based
7 treatment guidelines such as those published in the Journal of Child and Adolescent
8 Psychopharmacology and nationally recognized expert consensus guidelines. Treatments that
9 must be covered under this section must be recommended by the insured's licensed and properly
10 credentialed health care professional. Intravenous immunoglobulin therapy shall only be covered
11 if the insured's licensed and properly credentialed health care professional can demonstrate that
12 all other treatments have been exhausted.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4u. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome neuropsychiatric syndrome and other autoimmune encephalopathies.

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued
2 or renewed after December 31, 2021, and that is subject to this article shall provide coverage for
3 treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal
4 infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune
5 encephalopathies, including, but not limited to, antibiotics, medication and behavioral therapies
6 to manage neuropsychiatric symptoms, plasmapheresis, intravenous immunoglobulin therapy,
7 and other therapies and medications consistent with evidence-based treatment guidelines such
8 as those published in the Journal of Child and Adolescent Psychopharmacology and nationally
9 recognized expert consensus guidelines. Treatments that must be covered under this section
10 must be recommended by the insured's licensed and properly credentialed health care
11 professional. Intravenous immunoglobulin therapy shall only be covered if the insured's licensed
12 and properly credentialed health care professional can demonstrate that all other treatments have

13 been exhausted.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3ff. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome neuropsychiatric syndrome and other autoimmune encephalopathies.

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued
2 or renewed after December 31, 2021, and that is subject to this article shall provide coverage for
3 treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal
4 infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune
5 encephalopathies, including, but not limited to, antibiotics, medication and behavioral therapies
6 to manage neuropsychiatric symptoms, plasmapheresis, intravenous immunoglobulin therapy,
7 and other therapies and medications consistent with evidence-based treatment guidelines such
8 as those published in the Journal of Child and Adolescent Psychopharmacology and nationally
9 recognized expert consensus guidelines. Treatments that must be covered under this section
10 must be recommended by the insured's licensed and properly credentialed health care
11 professional. Intravenous immunoglobulin therapy shall only be covered if the insured's licensed
12 and properly credentialed health care professional can demonstrate that all other treatments have
13 been exhausted.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH SERVICE CORPORATIONS.

§33-24-7u. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome neuropsychiatric syndrome and other autoimmune

encephalopathies.

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued
2 or renewed after December 31, 2021, and that is subject to this article shall provide coverage for
3 treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal
4 infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune
5 encephalopathies, including, but not limited to, antibiotics, medication and behavioral therapies
6 to manage neuropsychiatric symptoms, plasmapheresis, intravenous immunoglobulin therapy,
7 and other therapies and medications consistent with evidence-based treatment guidelines such
8 as those published in the Journal of Child and Adolescent Psychopharmacology and nationally
9 recognized expert consensus guidelines. Treatments that must be covered under this section
10 must be recommended by the insured's licensed and properly credentialed health care
11 professional. Intravenous immunoglobulin therapy shall only be covered if the insured's licensed
12 and properly credentialed health care professional can demonstrate that all other treatments have
13 been exhausted.

ARTICLE 25. HEALTH CARE CORPORATIONS.**§33-25-8r. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders
associated with streptococcal infections and pediatric acute onset
neuropsychiatric syndrome neuropsychiatric syndrome and other autoimmune
encephalopathies.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued
2 or renewed after December 31, 2021, and that is subject to this article shall provide coverage for
3 treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal
4 infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune
5 encephalopathies, including, but not limited to, antibiotics, medication and behavioral therapies
6 to manage neuropsychiatric symptoms, plasmapheresis, intravenous immunoglobulin therapy,
7 and other therapies and medications consistent with evidence-based treatment guidelines such

8 as those published in the Journal of Child and Adolescent Psychopharmacology and nationally
9 recognized expert consensus guidelines. Treatments that must be covered under this section
10 must be recommended by the insured's licensed and properly credentialed health care
11 professional. Intravenous immunoglobulin therapy shall only be covered if the insured's licensed
12 and properly credentialed health care professional can demonstrate that all other treatments have
13 been exhausted.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8u. Coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome neuropsychiatric syndrome and other autoimmune encephalopathies.

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued
2 or renewed after December 31, 2021, and that is subject to this article shall provide coverage for
3 treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal
4 infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune
5 encephalopathies, including, but not limited to, antibiotics, medication and behavioral therapies
6 to manage neuropsychiatric symptoms, plasmapheresis, intravenous immunoglobulin therapy,
7 and other therapies and medications consistent with evidence-based treatment guidelines such
8 as those published in the Journal of Child and Adolescent Psychopharmacology and nationally
9 recognized expert consensus guidelines. Treatments that must be covered under this section
10 must be recommended by the insured's licensed and properly credentialed health care
11 professional. Intravenous immunoglobulin therapy shall only be covered if the insured's licensed
12 and properly credentialed health care professional can demonstrate that all other treatments have
13 been exhausted.

NOTE: The purpose of this bill is to require Medicaid and insurance coverage for treatment

of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune encephalopathies; requiring that covered treatments be recommended by the insured's licensed and properly credentialed health care professional; and providing for coverage of intravenous immunoglobulin therapy only where an insured's licensed and properly credentialed health care professional demonstrates that all other treatments have been exhausted.

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