

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 289**

BY SENATORS BEACH, LINDSAY, AND CAPUTO

[Introduced February 13, 2021; referred  
to the Committee on Banking and Insurance; and then  
to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §5-16-7h; 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 §33-15-4x; to  
 4 amend said code by adding thereto a new section, designated §33-16-3ii; to amend said  
 5 code by adding thereto a new section, designated §33-24-7x; to amend said code by  
 6 adding thereto a new section, designated §33-25-8u; and to amend said code by adding  
 7 thereto a new section, designated §33-25A-8x, 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 intravenous immunoglobulin therapy, plasmapheresis, and other therapies and  
 12 medications consistent with evidence-based treatment guidelines such as those published  
 13 in the Journal of Child and Adolescent Psychopharmacology and nationally recognized  
 14 expert consensus guidelines.

*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.**

**§5-16-7h. 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 intravenous immunoglobulin therapy, plasmapheresis, and other therapies and medications  
 6 consistent with evidence-based treatment guidelines such as those published in the Journal of  
 7 Child and Adolescent Psychopharmacology and nationally recognized expert consensus  
 8 guidelines.

**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, intravenous immunoglobulin  
 5 therapy, plasmapheresis, and other therapies and medications consistent with evidence-based  
 6 treatment guidelines such as those published in the Journal of Child and Adolescent  
 7 Psychopharmacology and nationally recognized expert consensus guidelines.

**CHAPTER 33. INSURANCE.**

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

**§33-15-4x. 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, intravenous immunoglobulin therapy,  
6 plasmapheresis, and other therapies and medications consistent with evidence-based treatment  
7 guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology  
8 and nationally recognized expert consensus guidelines.

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

**§33-16-3ii. 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, intravenous immunoglobulin therapy,  
6 plasmapheresis, and other therapies and medications consistent with evidence-based treatment  
7 guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology  
8 and nationally recognized expert consensus guidelines.

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

**§33-24-7x. 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, intravenous immunoglobulin therapy,  
6 plasmapheresis, and other therapies and medications consistent with evidence-based treatment  
7 guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology  
8 and nationally recognized expert consensus guidelines.

**ARTICLE 25. HEALTH CARE CORPORATIONS.**

**§33-25-8u. 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, intravenous immunoglobulin therapy,  
6 plasmapheresis, and other therapies and medications consistent with evidence-based treatment  
7 guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology  
8 and nationally recognized expert consensus guidelines.

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

**§33-25A-8x. 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, intravenous immunoglobulin therapy,  
6        plasmapheresis, and other therapies and medications consistent with evidence-based treatment  
7        guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology  
8        and nationally recognized expert consensus guidelines.

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.

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