

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 39**

BY SENATORS STOLLINGS, CAPUTO, BALDWIN, JEFFRIES,  
LINDSAY, ROMANO, TAKUBO, PHILLIPS, IHLENFELD,  
HAMILTON, AND NELSON

[Introduced February 10, 2021; referred  
to the Committee on Health and Human Resources; 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 §5-16-8b; to amend said code by adding thereto a new section, designated  
3 §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3kk;  
4 to amend said code by adding thereto a new section, designated §33-24-7x; to amend  
5 said code by adding thereto a new section, designated §33-25-8u; and to amend said  
6 code by adding thereto a new section, designated §33-25A-8x, all relating to prohibiting  
7 insurance coverage from requiring prior authorization for physician prescribed tests to  
8 stage cancer.

*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.**

**§5-16-8b. Prohibiting prior authorization for tests to stage cancer.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after July 1, 2022, and that is subject to this article may not require prior  
3 authorization for physician prescribed tests to stage cancer, including, but not limited to,  
4 computerized tomography scans, magnetic resonance imaging scans, and positron emission  
5 tomography scans.

**CHAPTER 33. INSURANCE.**

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

**§33-15-4x. Prohibiting prior authorization for tests to stage cancer.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after July 1, 2022, and that is subject to this article may not require prior

3 authorization for physician prescribed tests to stage cancer, including, but not limited to,  
4 computerized tomography scans, magnetic resonance imaging scans, and positron emission  
5 tomography scans.

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

**§33-16-3kk. Prohibiting prior authorization for tests to stage cancer.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after July 1, 2022, and that is subject to this article may not require prior  
3 authorization for physician prescribed tests to stage cancer, including, but not limited to,  
4 computerized tomography scans, magnetic resonance imaging scans, and positron emission  
5 tomography scans.

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

**§33-24-7x. Prohibiting prior authorization for tests to stage cancer.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after July 1, 2022, and that is subject to this article may not require prior  
3 authorization for physician prescribed tests to stage cancer, including, but not limited to,  
4 computerized tomography scans, magnetic resonance imaging scans, and positron emission  
5 tomography scans.

**ARTICLE 25. HEALTH CARE CORPORATIONS.**

**§33-25-8u. Prohibiting prior authorization for tests to stage cancer.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after July 1, 2022, and that is subject to this article may not require prior  
3 authorization for physician prescribed tests to stage cancer, including, but not limited to,

4 computerized tomography scans, magnetic resonance imaging scans, and positron emission  
5 tomography scans.

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

**§33-25A-8x. Prohibiting prior authorization for tests to stage cancer.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after July 1, 2022, and that is subject to this article may not require prior  
3 authorization for physician prescribed tests to stage cancer, including, but not limited to,  
4 computerized tomography scans, magnetic resonance imaging scans, and positron emission  
5 tomography scans.