

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4956**

By Delegate Rohrbach

[Originating in the Committee on Health and Human  
Resources; Reported on February 22, 2024]



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 §9-  
3 5-34; to amend said code by adding thereto a new section, designated §33-15-24; to  
4 amend said code by adding thereto a new section, designated §33-16-20; to amend said  
5 code by adding thereto a new section, designated §33-24-15; and to amend said code by  
6 adding thereto a new section designated §33-25-23 and to amend said code by adding  
7 thereto a new section designated §33-25A-37, all relating to requiring health benefit plan  
8 coverage; requiring coverage for medically necessary dental procedures that result from  
9 cancer treatment; and explaining scope of procedures covered as a result of certain cancer  
10 treatments.

*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. Medical oral health coverage required.**

1 (a) On or after July 1, 2024, a policy, plan or contract subject to this article shall provide  
2 coverage for oral health procedures that are necessary to receive or are the result of cancer  
3 treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or  
4 radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,  
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,  
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial

8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer  
9 diagnosis.

**CHAPTER 9. HUMAN SERVICES.**

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-34. Medical oral health coverage required.**

1 (a) On or after July 1, 2024, a policy, plan or contract subject to this article shall provide  
2 coverage for oral health procedures that are necessary to receive or are the result of cancer  
3 treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or  
4 radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,  
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,  
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial  
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer  
9 diagnosis.

**CHAPTER 33. INSURANCE.**

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

**§33-15-24. Medical oral health coverage required.**

1 (a) An insurer who, on or after July 1, 2024, 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 for oral health procedures that are necessary to receive  
4 or are the result of cancer treatments including surgery, chemotherapy, biotherapy, pharmacology,  
5 immunotherapy, or radiation.

6 (b) The coverage required under this section shall include evaluations, examinations,  
7 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,  
8 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial

9 function associated with eating, breathing, voice, speech, and swallowing related to a cancer  
10 diagnosis.

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

**§33-16-20. Medical oral health coverage required.**

1 (a) On or after July 1, 2024, a policy, plan or contract subject to this article shall provide  
2 coverage for oral health procedures that are necessary to receive or are the result of cancer  
3 treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or  
4 radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,  
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,  
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial  
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer  
9 diagnosis.

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

**§33-24-15. Medical oral health coverage required.**

1 (a) On or after July 1, 2024, a policy, plan or contract subject to this article shall provide  
2 coverage for oral health procedures that are necessary to receive or are the result of cancer  
3 treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or  
4 radiation.

5 (b) The coverage required under this section shall include evaluations, examinations,  
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,  
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial

8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer  
9 diagnosis.

**ARTICLE            25.            HEALTH            CARE            CORPORATIONS.**

**§33-25-23. Medical oral health coverage required.**

1            (a) On or after July 1, 2024, a policy, plan or contract subject to this article shall provide  
2 coverage for oral health procedures that are necessary to receive or are the result of cancer  
3 treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or  
4 radiation.

5            (b) The coverage required under this section shall include evaluations, examinations,  
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,  
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial  
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer  
9 diagnosis.

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

**§33-25A-37. Medical oral health coverage required.**

1            (a) On or after July 1, 2024, a policy, plan or contract subject to this article shall provide  
2 coverage for oral health procedures that are necessary to receive or are the result of cancer  
3 treatments including surgery, chemotherapy, biotherapy, pharmacology, immunotherapy, or  
4 radiation.

5            (b) The coverage required under this section shall include evaluations, examinations,  
6 patient education, laboratory assessments, medications, treatments, restoration, rehabilitation,  
7 medical devices, and prosthesis needed to obtain cancer treatment or restore whole or partial  
8 function associated with eating, breathing, voice, speech, and swallowing related to a cancer  
9 diagnosis.

NOTE: The purpose of this bill is to require health benefit plan coverage for medically necessary dental procedures that result from cancer treatment; create the Oral Health and Cancer Rights Act; explain the scope of procedures covered as a result of certain cancer treatments; require the use of a specific billing identifier; and set an effective date.

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