

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5190

By Delegates Crouse, Petitto, Lucas, Adkins, and

Dean

[Introduced January 25, 2024; Referred to the
Committee on Banking and Insurance then the
Judiciary]

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 §33-15-24 ; to amend said code by adding thereto a new section, designated §33-16-20; to
 4 amend said code by adding thereto a new section, designated §33-24-15; and to amend
 5 said code by adding thereto a new section designated §33-25-23 and to amend said code
 6 by adding thereto a new section designated §33-25A-37, all relating to requiring physical
 7 therapy, speech, and occupational therapy insurance coverage for school age children up
 8 to age 18 years.

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.

1 **§5-16-8b. Physical therapy, speech, and occupational therapy for school age children to be**
 2 **covered.**

1 (a) The plan shall cover the cost of child physical therapy, speech, and occupational
 2 therapy services for school age children up to age 18 years. These services shall be exempt from
 3 any deductible, per-visit charge and/or copayment provisions which may be in force in these
 4 policies or contracts.

5 (b) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9
 6 of this code, including, but not limited to, his or her authority to manage provider contracting and
 7 payments and to designate covered and noncovered services.

8 (c) This section does not limit the authority of the director, the plan, or the plans under §5-
9 16-11 of this code.

10 (d) Notwithstanding any provision of this code to the contrary, wherever 49 U.S.C.
11 §41713(b) applies to the reimbursement of air ambulance providers under §5-16-8a of this code,
12 the provisions of this code, including any administrative, civil, or criminal penalties, are
13 inapplicable.

CHAPTER33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

1 **§33-15-24. Physical therapy, speech, and occupational therapy for school age children to**
2 **be covered by all health insurance policies.**

1 Any 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 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 school age children up to age 18 years for physical therapy, speech, and occupational therapy
6 when determined to be medically necessary and ordered by a licensed physician after making a
7 thorough evaluation of the patient’s symptoms, diagnostic test results, or response to treatment.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-20. Physical therapy, speech, and occupational therapy for school age children to
be covered.

1 All policies issued pursuant to this article shall cover the cost of children's physical therapy,
2 speech, and occupational therapy services for school age children up to age 18 years. These
3 services shall be exempt from any deductible, per-visit charge and/or copayment provisions which
4 may be in force in these policies or contracts. This section does not require that other health care
5 services provided be exempt from any deductible or copayment provisions.

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

§33-24-15. Physical therapy, speech, and occupational therapy for school age children to be covered.

1 (a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to
2 which this article applies, any entity regulated by this article shall provide as benefits to all
3 subscribers and members coverage for physical therapy, speech, and occupational therapy for
4 school age children up to age 18 years.: *Provided*, That preauthorization or precertification may
5 not be required.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-23. Physical therapy, speech, and occupational therapy for school age children to be covered.

1 Notwithstanding any provision of any policy, provision, contract, plan, or agreement to
2 which this article applies, any entity regulated by this article shall, on or after July 1, 2024, provide
3 as benefits to all subscribers and members coverage for the cost of children's physical therapy,
4 speech, and occupational therapy services for school age children up to age 18 years. These
5 services shall be exempt from any deductible, per-visit charge and/or copayment provisions which
6 may be in force in these policies or contracts. This coverage will cover all costs associated with
7 children's physical therapy, speech, and occupational therapy services. This section does not
8 require that other health care services provided be exempt from any deductible and/or copayment
9 provisions.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-37. Coverage of physical therapy, speech, and occupational therapy services for school age children

1 (a) Notwithstanding any provision of any policy, provision, contract, plan, or agreement to
2 which this article applies, any entity regulated by this article shall provide as benefits to all
3 subscribers and members coverage for physical therapy, speech, and occupational therapy for
4 school age children up to age 18 years.: *Provided*, That preauthorization or precertification may
5 not be required.

NOTE: The purpose of this bill is to require physical therapy, speech, and occupational therapy insurance coverage for school age children up to age 18 years.