

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 443

By Senators Takubo, Deeds, Hamilton, Woelfel,

Oliverio, Plymale, Roberts, and Caputo

[Introduced January 12, 2024; referred
to the Committee on the Banking and Insurance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §33-63-1, relating to requiring health benefit plan coverage; creating the Oral
3 Health and Cancer Rights Act; requiring coverage for medically necessary dental
4 procedures that result from cancer treatment; explaining scope of procedures covered as a
5 result of certain cancer treatments; requiring use of specific billing identifier; and setting an
6 effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 63. ORAL HEALTH AND CANCER RIGHTS ACT.

**§33-63-1. Oral health and cancer rights act; dental and medical oral health coverage
required; use of specific billing modifier; and effective date.**

1 (a) This article shall be known and may be cited as the Oral Health and Cancer Rights Act.

2 (b) Every health benefit plan offered by an insurer shall provide coverage for oral health
3 procedures that are necessary to receive or are the result of cancer treatments including surgery,
4 chemotherapy, biotherapy, pharmacology, immunotherapy, or radiation.

5 (c) 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.

10 (d) All cancer-related dental and oral health procedures that are part of a patient's care or
11 survivorship plan as determined in consultation with the attending healthcare provider shall be
12 billed using the billing modifier, "West Virginia Code §33-63-1" in conjunction with each applicable
13 billing code. The modifier signifies eligibility of coverage for all clinical service billing codes used
14 for dental or medical oral health, evaluations, examinations, patient education, laboratory
15 assessments, treatments, restoration, rehabilitation, medical devices, and prosthesis needed to
16 obtain cancer treatment or to restore whole or partial function associated with eating, breathing,

17 voice, speech, and swallowing related to a cancer diagnosis. Procedures or visits billed with this
18 modifier are considered covered services as outlined in this section. As medications are unable to
19 be billed with modifiers in West Virginia, pharmacists will be notified of medications that qualify for
20 coverage under this act by using a unique identifier "West Virginia Code §33-63-1" on the
21 prescription.

22 (e) This article becomes effective July 1, 2025, and applies to all health insurance
23 contracts that are nonexempt from the Affordable Care Act.

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.