

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-26-80

Time 3:45 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980



ENROLLED

Committee Substitute
for
HOUSE BILL No. 980

(By Mrs. Spear and Mrs. Neal)



Passed March 7, 1980

In Effect from Passage



No: 980

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 980

(By MRS. SPEARS and MRS. NEAL)

(Originating in the House Committee on Banking and Insurance)

[Passed March 7, 1980; in effect from passage.]

AN ACT to amend article sixteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-b; and to amend article twenty-eight of said chapter by adding thereto a new section, designated section five-a, all relating to requiring individual and group basic hospital expense and major medical expense insurers to offer home health care coverage; defining "home health care," and providing requirements for and optional limits on services provided under such coverage.

Be it enacted by the Legislature of West Virginia:

That article sixteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-b; that section five, article twenty-eight of said chapter be amended by adding thereto a new section, designated section five-a, all to read as follows:

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3b. Home health care coverage.

1 (a) Any insurer who, on or after the first day of January,
2 one thousand nine hundred eighty-one, delivers or issues
3 for delivery in this state group basic hospital expense or
4 major medical expense coverage under this article shall
5 make available to the policyholder home health care coverage
6 consistent with the provisions of this section. For purposes
7 of this section, "home health care" means health services
8 provided by a home health agency certified in the state in
9 which the home health services are delivered or under Title
10 XVIII of the Social Security Act.

11 (b) Home health care coverage offered shall include:

12 (1) Services provided by a registered nurse or a licensed
13 practical nurse;

14 (2) Health services provided by physical, occupational,
15 respiratory and speech therapists;

16 (3) Health services provided by a home health aide to
17 the extent that such services would be covered if provided to
18 the insured on an inpatient basis;

19 (4) Medical supplies, drugs, medicines and laboratory
20 services to the extent that they would be covered if provided
21 to the insured on an inpatient basis; and

22 (5) Services provided by a licensed midwife or a licensed
23 nurse midwife as these occupations are defined in section one,
24 article fifteen of the code.

25 (c) Home health care coverage may be limited to:

26 (1) Services provided on the written order of a licensed
27 physician, provided such order is renewed at least every
28 sixty days;

29 (2) Services provided, directly or through contractual
30 agreements, by a home health agency certified in the state
31 in which the home health services are rendered or under
32 Title XVIII of the Social Security Act; and

33 (3) Services as set forth in subsection (b) of this section
34 without which the insured would have to be hospitalized.

35 (d) Coverage under this section shall be provided for at
36 least one hundred home visits per insured per policy year,
37 with each home visit by a member of a home health care
38 team to be considered as one home health care visit including
39 up to four hours of home health care services.

40 (e) No such policy need provide such coverage to persons
41 eligible for medicare.

**ARTICLE 28. INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE
MINIMUM STANDARDS.**

§33-28-5a. Home health care coverage.

1 (a) Any insurer who, on or after the first day of January,
2 one thousand nine hundred eighty-one, delivers or issues for
3 delivery in this state individual basic hospital expense or major
4 medical expense coverage shall make available to the policy-
5 holder home health care coverage consistent with the provisions
6 of this section. For purposes of this section, "home health
7 care" means health services provided by a home health agency
8 certified in the state in which the home health services are
9 delivered or under Title XVIII of the Social Security Act.

10 (b) Home health care coverage offered shall include:

11 (1) Services provided by a registered nurse or a licensed
12 practical nurse;

13 (2) Health services provided by physical, occupational,
14 respiratory and speech therapists;

15 (3) Health services provided by a home health aide to
16 the extent that such services would be covered if provided
17 to the insured on an inpatient basis;

18 (4) Medical supplies, drugs, medicines and laboratory
19 services to the extent that they would be covered if provided
20 to the insured on an inpatient basis; and

21 (5) Services provided by a licensed midwife or a licensed
22 nurse midwife as these occupations are defined in section one,
23 article fifteen of the code.

24 (c) Home health care coverage may be limited to:

25 (1) Services provided on the written order of a licensed
26 physician, provided such order is renewed at least every
27 sixty days;

28 (2) Services provided, directly or through contractual
29 agreements, by a home health agency certified in the state
30 in which the home health services are delivered or under
31 Title XVIII of the Social Security Act; and

32 (3) Services as set forth in subsection (b) of this section
33 without which the insured would have to be hospitalized.

34 (d) Coverage under this section shall be provided for at
35 least one hundred home visits per insured per policy year, with
36 each home visit by a member of a home health care team to be
37 considered as one home health care visit including up to four
38 hours of home health care services.

39 (e) No such policy need provide such coverage to persons
40 eligible for medicare.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut Jr
Chairman House Committee

Originated in the House.

Takes effect from passage.

Todd C. Wilkins
Clerk of the Senate

Clarence Blankenship
Clerk of the House of Delegates

W. T. Brantley Jr
President of the Senate

Clide M. Lee Jr
Speaker House of Delegates

The within *is approved* this the *26*
day of *March*, 1980.

John D. Roper
Governor

STATE OF NEW YORK

RECEIVED

MAR 14 5 55 PM '80

OFFICE OF THE GOVERNOR

STATE OF NEW YORK

RECEIVED

MAR 26 11:54

RECEIVED