

ENROLLED

Senate Bill No. 476

(BY MR. HECK, MR. NELSON AND MR. KAUFMAN)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend article fifteen, 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 four-b; to amend article sixteen of said chapter by adding thereto a new section, designated section three-e; and to amend article twenty-four of said chapter by adding thereto a new section, designated section seven-a, all relating to providing that accident and sickness policies, group accident and sickness policies and hospital, medical service, dental and health service corporation policies cover nonsalaried, primary health care nursing services; and providing definition.

Be it enacted by the Legislature of West Virginia:

That article fifteen, 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 four-b; that article sixteen of said chapter be amended by adding thereto a new section, designated section three-e; and that article twenty-four of said chapter be amended by adding thereto a new section, designated section seven-a, all to read as follows:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4b. Policies to cover nursing services; definition.

1 (a) Any insurer who, on or after the first day of
2 January, one thousand nine hundred eighty-four, delivers
3 or issues a policy of accident and sickness insurance
4 in this state under the provisions of this article shall

5 make available as benefits to all subscribers and members
6 coverage for primary health care nursing services as
7 hereinafter set forth if such services are currently being
8 reimbursed when rendered by any other duly licensed
9 health care practitioner. No insurer may be required
10 to pay for duplicative health care services actually pro-
11 vided by both a registered professional nurse or licensed
12 midwife and other health providers.

13 (b) For purposes of this section, section three-e of
14 article sixteen and section seven-a of article twenty-four
15 of this chapter, "primary health care nursing services"
16 includes nursing care rendered by a nonsalaried duly
17 licensed registered professional nurse engaged in private
18 nursing practice or partnership with other health care
19 providers within the lawful scope of practice as defined
20 in section one, article seven, chapter thirty of this code,
21 and care rendered by a licensed nurse midwife or mid-
22 wife as this occupation is defined in section one, article
23 fifteen, chapter thirty of this code, and which care is
24 within the scope of duties for such licensed nurse-midwife
25 or midwife as permitted by the provisions of section
26 seven, article fifteen of said chapter thirty.

27 (c) Nothing in this section may be construed to permit
28 any registered professional nurse licensee or midwife
29 licensee to perform professional services beyond such
30 individual's areas of professional competence as estab-
31 lished by education, training and experience.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3e. Policies to cover nursing services.

1 (a) Any insurer who, on or after the first day of
2 January, one thousand nine hundred eighty-four, delivers
3 or issues a policy of group accident and sickness insurance
4 in this state under the provisions of this article shall
5 make available as benefits to all subscribers and mem-
6 bers coverage for primary health care nursing services as
7 defined in section four-b, article fifteen of this chapter,
8 if such services are currently being reimbursed when
9 rendered by any other duly licensed health care prac-
10 ^{ti-}itioner. No insurer may be required to pay for duplica-
11 tive health care services actually provided by both a

12 registered professional nurse or licensed midwife and
13 other health providers.

14 (b) Nothing in this section may be construed to permit
15 any registered professional nurse licensee or midwife
16 licensee to perform professional services beyond such
17 individual's areas of professional competence as estab-
18 lished by education, training and experience.

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

§33-24-7a. Contracts to cover nursing service.

1 (a) Any contract made under the provisions of this
2 article shall, on or after the first day of January, one
3 thousand nine hundred eighty-four, contain a provision
4 that the corporation shall make available as covered
5 benefits to all subscribers and members coverage for
6 primary health care nursing services as defined in sec-
7 tion four-b, article fifteen of this chapter, if such services
8 are currently being reimbursed when rendered by any
9 other duly licensed health care practitioner. No corpora-
10 tion may be required to pay for duplicative health care
11 services actually provided by both a registered profes-
12 sional nurse or licensed midwife and other health pro-
13 viders.

14 (b) Nothing in this section may be construed to permit
15 any registered professional nurse licensee or midwife
16 licensee to perform professional services beyond such
17 individual's scope of professional competence as estab-
18 lished by education, training and experience.

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

Samuel E. Johnson

Chairman Senate Committee

Donald Anello

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Kuehl

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Walter P. McEwen

President of the Senate

W. G. See, Jr.

Speaker House of Delegates

The within is approved this the 26
day of March, 1983.

John R. Lyden

Governor



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