WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

ENROLLED

HOUSE BILL No. 1111

(By Mr. Finley & Mr. Moore)

PASSED April 5, 1977

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-a; and to amend article sixteen of said chapter by adding thereto a new section, designated section three-a, all relating to accident and sickness insurance; providing for the inclusion of protection against mental illness costs in individual and group accident and sickness insurance contracts.

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-a; and that article sixteen of said chapter be amended by adding thereto a new section, designated section three-a, all to read as follows:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.


1 Any policy of insurance described in this article which
2 provides hospital expense and surgical expense insurance and
3 which is issued or subsequently renewed by agreement between
4 the insurer and the policyholder, within this state, or any
5 policy of accident and sickness insurance which provides
6 hospital expense and surgical expense insurance and which is
7 delivered or issued for delivery or subsequently renewed by
agreement between the insurer and the policyholder in this state, shall provide, unless specifically refused by the policyholder, benefits for expense of residents of the state covered under any such policy or plan, arising from mental or nervous conditions as described in the standard nomenclature of the American psychiatric association which are at least equal to the following minimum requirements:

(a) In the case of benefits based upon confinement as an inpatient in a mental hospital under the direction and supervision of the department of mental health, or in a private hospital or private mental hospital licensed by the department of mental health or any other duly authorized state agency, the period of confinement for which benefits shall be payable shall be at least forty-five consecutive days in any calendar year.

(b) In the case of benefits based upon confinement as an inpatient in a licensed or accredited general hospital, such benefits shall be no different than for any other illness.

(c) In the case of outpatient benefits, these shall cover fifty percent of eligible expenses up to five hundred dollars over a twelve-month period, services furnished (1) by a comprehensive health service organization, (2) by a licensed or accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services or (4) consultations or diagnostic or treatment sessions, provided that such services are rendered by a psychotherapist or by a psychologist and do not exceed fifty such sessions over a twelve-month period. For purposes of this article “psychotherapist” means any person employed by the mental health center to provide direct services to clients such person to serve under the authority and direction of a licensed psychologist, physician, psychiatrist, or director of a duly licensed mental health facility.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3a. Required policy provisions—mental illness.

Any policy described in this article which shall be delivered
or issued or renewed in this state shall make available as
benefits to all individual subscribers and members and to all
group members if so elected by the subscriber or group, for
expenses arising from mental or nervous conditions as herein­
after set forth. Such benefits shall be as described in the stan­
dard nomenclature of the American psychiatric association
which are at least equal to the following minimum require­
ments:

(a) In the case of benefits based upon confinement as
an inpatient in a mental hospital under the direction and
supervision of the department of mental health, or in a pri­
vate mental hospital licensed by the department of mental
health, the period of confinement for which benefits shall be
payable shall be at least forty-five days in any calendar year.

(b) In the case of benefits based upon confinement as an
inpatient in a licensed or accredited general hospital, such
benefits shall be no different than for any other illness.

(c) In the case of outpatient benefits, these shall cover fifty
percent of eligible expenses up to five hundred dollars over
a twelve-month period, services furnished (1) by a compre­
hensive health service organization, (2) by a licensed or ac­
credited hospital (3) or subject to the approval of the depart­
ment of mental health services furnished by a community
mental health center or other mental health clinic or day care
center which furnishes mental health services or (4) consul­
tations or diagnostic or treatment sessions, provided that such
services are rendered by a psychotherapist or by a psycholo­
gist and do not exceed fifty such sessions over a twelve-month
period.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Johnnie E. Christopher  
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ___ day of April, 1977.

Governor
APPROVED AND SIGNED BY THE GOVERNOR

Date: April 12, 1977
Time: 8:20 p.m.

77 APR 13 P 4:19