

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

HOUSE BILL No. 1111

(By Mr. Farley & Mr. Monro)



PASSED April 5, 1977

In Effect ninety days from Passage

**ENROLLED**

**H. B. 1111**

(By MR. FARLEY AND MR. MORASCO)

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[Passed April 5, 1977; in effect ninety days from passage.]

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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.**

**§33-15-4a. Required policy provisions—mental illness.**

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

8 agreement between the insurer and the policyholder in this  
9 state, shall provide, unless specifically refused by the policy-  
10 holder, benefits for expense of residents of the state covered  
11 under any such policy or plan, arising from mental or nervous  
12 conditions as described in the standard nomenclature of the  
13 American psychiatric association which are at least equal to  
14 the following minimum requirements:

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

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

26 (c) In the case of outpatient benefits, these shall cover  
27 fifty percent of eligible expenses up to five hundred dollars  
28 over a twelve-month period, services furnished (1) by a com-  
29 prehensive health service organization, (2) by a licensed or  
30 accredited hospital (3) or subject to the approval of the de-  
31 partment of mental health services furnished by a community  
32 mental health center or other mental health clinic or day care  
33 center which furnishes mental health services or (4) consulta-  
34 tions or diagnostic or treatment sessions, provided that such  
35 services are rendered by a psychotherapist or by a psycholo-  
36 gist and do not exceed fifty such sessions over a twelve-month  
37 period. For purposes of this article "psychotherapist" means  
38 any person employed by the mental health center to provide  
39 direct services to clients such person to serve under the author-  
40 ity and direction of a licensed psychologist, physician, psychia-  
41 trist, or director of a duly licensed mental health facility.

#### ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

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

1 Any policy described in this article which shall be delivered

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

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

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

19 (c) In the case of outpatient benefits, these shall cover fifty  
20 percent of eligible expenses up to five hundred dollars over  
21 a twelve-month period, services furnished (1) by a compre-  
22 hensive health service organization, (2) by a licensed or ac-  
23 credited hospital (3) or subject to the approval of the depart-  
24 ment of mental health services furnished by a community  
25 mental health center or other mental health clinic or day care  
26 center which furnishes mental health services or (4) consul-  
27 tations or diagnostic or treatment sessions, provided that such  
28 services are rendered by a psychotherapist or by a psycholo-  
29 gist and do not exceed fifty such sessions over a twelve-month  
30 period.

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

*James L. Davis*  
Chairman Senate Committee

*Glenn C. Christman*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Joseph Long*  
Clerk of the Senate

*CA Blankenship*  
Clerk of the House of Delegates

*W. T. Brathwaite, Jr.*  
President of the Senate

*Donald L. Kopp*  
Speaker House of Delegates

The within *is approved* this the *12*  
day of *April*, 1977.

*John D. Raley, Jr.*  
Governor

APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED  
APR 7 5 10 PM '77  
OFFICE OF THE GOVERNOR

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

RECEIVED

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OFFICE  
SECY. OF STATE