WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED

Com. Sub. for
HOUSE BILL No. 1109

(By Mr. Tompkins & Mr. Hatcher)

Passed February 4, 1982
In Effect Ninety Days From Passage
AN ACT to amend article five-a, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section two, relating to prohibited discriminatory practices concerning medical coverage; prohibiting an employer from discontinuing or decreasing medical coverage for a previously covered employee during the entire period for which he is entitled to draw temporary medical benefits unless coverage for all employees is so discontinued or decreased; and providing a private remedy for the disabled employee.

Be it enacted by the Legislature of West Virginia:

That article five-a, chapter twenty-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 two, to read as follows:

ARTICLE 5A. DISCRIMINATORY PRACTICES.


1 Any employer who has provided any type of medical in-
surance for an employee or his dependents by paying
premiums, in whole or in part, on an individual or group
policy shall not cancel, decrease his participation on behalf
of the employee or his dependents, or cause coverage
provided to be decreased during the entire period for which
that employee during the continuance of the employer-em-
ployee relationship is claiming or is receiving benefits under
this chapter for a temporary disability. If the medical in-
surance policy requires a contribution by the employee, that
employee must continue to make the contribution required,
to the extent the insurance contract does not provide for
a waiver of the premium.

Nothing in this section shall prevent an employer from
changing insurance carriers or cancelling or reducing medical
coverage if the temporarily disabled employee and his de-
dpendents are treated with respect to insurance in the same
manner as other similarly classified employees and their de-
dpendents who are also covered by the medical insurance
policy.

This section provides a private remedy for the employee
which shall be enforceable in an action by the employee in
a circuit court having jurisdiction over the employer.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

K.L. Bogle
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jed C. Wilho
Clerk of the Senate

V.G. Blankenship
Clerk of the House of Delegates

Walter E. McQuinn
President of the Senate

Charles E. Skeet
Speaker House of Delegates

The within ________ approved ________ this the ________ day of ________, 1982.

Jimmie R. Radue
Governor