APPROVED AND SIGNED BY THE GOVERNOR

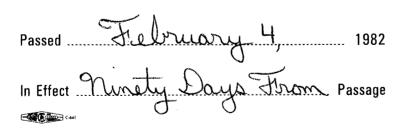
Date 2-16-82

# WEST VIRGINIA LEGISLATURE

**REGULAR SESSION, 1982** 

# ENROLLED Con Sul for HOUSE BILL NO. 1109

(By Mr. Jomphins & Mr. Natcher)



# ENROLLED

### COMMITTEE SUBSTITUTE

FOR

# H. B. 1109

#### (By MR. TOMPKINS and MR. HATCHER)

(Originating in the House Committee on the Judiciary)

[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.

#### §23-5A-2. Discriminatory practices prohibited—Medical insurance.

1 Any employer who has provided any type of medical in-

#### Enr. Com. Sub. for H. B. 1109] 2

2 surance for an employee or his dependents by paying premiums, in whole or in part, on an individual or group 3 4 policy shall not cancel, decrease his participation on behalf 5 of the employee or his dependents, or cause coverage 6 provided to be decreased during the entire period for which that employee during the continuance of the employer-em-7 ployee relationship is claiming or is receiving benefits under 8 9 this chapter for a temporary disability. If the medical in-10 surance policy requires a contribution by the employee, that 11 employee must continue to make the contribution required, to the extent the insurance contract does not provide for 12 13 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 dependents are treated with respect to insurance in the same manner as other similarly classified employees and their dependents 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.

## 3 [Enr. Com. Sub. for H. B. 1109

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly eprolled. Chairman Senate Compittee on c on Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

1. Will Clerk of the Senate VGBlankenship' Clerk of the House of Delega President of the Senate Speaker House of Delegates this the The within in a ...., 1982. day of ..... Governor

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