

Date 2-16-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982



ENROLLED

Com. Sub. for
HOUSE BILL No. 1109

(By Mr. Tompkins & Mr. Natcher)



Passed February 4, 1982

In Effect Ninety Days From Passage



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-

2 surance for an employee or his dependents by paying
3 premiums, in whole or in part, on an individual or group
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
7 that employee during the continuance of the employer-em-
8 ployee relationship is claiming or is receiving benefits under
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,
12 to the extent the insurance contract does not provide for
13 a waiver of the premium.

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

21 This section provides a private remedy for the employee
22 which shall be enforceable in an action by the employee in
23 a circuit court having jurisdiction over the employer.

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

[Handwritten Signature]
Chairman Senate Committee

[Handwritten Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker House of Delegates

The within is approved this the 16
day of February, 1982.

[Handwritten Signature]
Governor

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