

No. 523

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

SENATE BILL NO. 523

(By Senator Spears, et al.)



PASSED April 8, 1989

In Effect July 1, 1989 Passage

ENROLLED

Senate Bill No. 523

(BY SENATORS SPEARS, RUNDLE, BLATNIK, PRITT, LUCHT
AND BOLEY)

[Passed April 8, 1989; to take effect July 1, 1989.]

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-c; to amend article sixteen, chapter thirty-three of said code by adding thereto a new section, designated section three-g; to amend article twenty-four of said chapter thirty-three by adding thereto a new section, designated section seven-b; to amend article twenty-five of said chapter by adding thereto a new section, designated section eight-a; and to amend article twenty-five-a of said chapter by adding thereto a new section, designated section eight-a, all relating to insurance; and requiring third party reimbursement for mammography and pap smear testing.

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-c; that article sixteen, chapter thirty-three of said code be amended by adding thereto a new section, designated section three-g; that article twenty-four of said chapter be amended by adding thereto a new

section, designated section seven-b; that article twenty-five of said chapter be amended by adding thereto a new section, designated section eight-a; and that article twenty-five-a of said chapter be amended by adding thereto a new section, designated section eight-a, all to read as follows:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4c. Third party reimbursement for mammography or pap smear testing.

1 Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement to which this article
3 applies, whenever reimbursement or indemnity for
4 laboratory or X ray services are covered, reimburse-
5 ment or indemnification shall not be denied for
6 mammograms or pap smears when performed for
7 cancer screening or diagnostic purposes, at the direc-
8 tion of a person licensed to practice medicine and
9 surgery by the board of medicine: (1) A baseline
10 mammogram for women age thirty-five to thirty-nine,
11 inclusive; (2) a mammogram for women age forty to
12 forty-nine inclusive, every two years or more fre-
13 quently based on the woman's physician's recommen-
14 dation; (3) a mammogram every year for women age
15 fifty and over; (4) a pap smear annually or more
16 frequently based on the woman's physician's recom-
17 mendation for women age eighteen or over. A policy,
18 provision, contract, plan or agreement may apply to
19 mammograms or pap smears, the same deductibles,
20 coinsurance and other limitations as apply to other
21 covered services.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3g. Third party reimbursement for mammography or pap smear testing.

1 Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement to which this article
3 applies, whenever reimbursement or indemnity for
4 laboratory or X ray services are covered, reimburse-
5 ment or indemnification shall not be denied for
6 mammograms or pap smears when performed for
7 cancer screening or diagnostic purposes, at the direc-

8 tion of a person licensed to practice medicine and
 9 surgery by the board of medicine: (1) A baseline
 10 mammogram for women age thirty-five to thirty-nine,
 11 inclusive; (2) a mammogram for women age forty to
 12 forty-nine inclusive, every two years or more fre-
 13 quently based on the woman's physician's recommen-
 14 dation; (3) a mammogram every year for women age
 15 fifty and over; (4) a pap smear annually or more
 16 frequently based on the woman's physician's recom-
 17 mendation for women age eighteen or over. A policy,
 18 provision, contract, plan or agreement may apply to
 19 mammograms or pap smears, the same deductibles,
 20 coinsurance and other limitations as apply to other
 21 covered services.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SER-
 VICE CORPORATIONS, DENTAL SERVICE CORPO-
 RATIONS AND HEALTH SERVICE CORPORATIONS.**

**§33-24-7b. Third party reimbursement for mammography
 or pap smear testing.**

1 Notwithstanding any provision of any policy, provi-
 2 sion, contract, plan or agreement to which this article
 3 applies, whenever reimbursement or indemnity for
 4 laboratory or X ray services are covered, reimburse-
 5 ment or indemnification shall not be denied for
 6 mammograms or pap smears when performed for
 7 cancer screening or diagnostic purposes, at the direc-
 8 tion of a person licensed to practice medicine and
 9 surgery by the board of medicine: (1) A baseline
 10 mammogram for women age thirty-five to thirty-nine,
 11 inclusive; (2) a mammogram for women age forty to
 12 forty-nine, inclusive, every two years or more fre-
 13 quently based on the woman's physician's recommen-
 14 dation; (3) a mammogram every year for women age
 15 fifty and over; (4) a pap smear annually or more
 16 frequently based on the woman's physician's recom-
 17 mendation for women age eighteen or over. A policy,
 18 provision, contract, plan or agreement may apply to
 19 mammograms or pap smears, the same deductibles,
 20 coinsurance and other limitations as apply to other
 21 covered services.

ARTICLE 25. HEALTH CARE CORPORATIONS.**§33-25-8a. Third party reimbursement for mammography or pap smear testing.**

1 Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement to which this article
3 applies, whenever reimbursement or indemnity for
4 laboratory or X ray services are covered, reimburse-
5 ment or indemnification shall not be denied for
6 mammograms or pap smears when performed for
7 cancer screening or diagnostic purposes, at the direc-
8 tion of a person licensed to practice medicine and
9 surgery by the board of medicine: (1) A baseline
10 mammogram for women age thirty-five to thirty-nine,
11 inclusive; (2) a mammogram for women age forty to
12 forty-nine inclusive, every two years or more fre-
13 quently based on the woman's physician's recommen-
14 dation; (3) a mammogram every year for women age
15 fifty and over; (4) a pap smear annually or more
16 frequently based on the woman's physician's recom-
17 mendation for women age eighteen or over. A policy,
18 provision, contract, plan or agreement may apply to
19 mammograms or pap smears, the same deductibles,
20 coinsurance and other limitations as apply to other
21 covered services.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**§33-25A-8a. Third party reimbursement for mammography and pap smear testing.**

1 Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement to which this article
3 applies, whenever reimbursement or indemnity for
4 laboratory or X ray services are covered, reimburse-
5 ment or indemnification shall not be denied for
6 mammograms or pap smears when performed for
7 cancer screening or diagnostic purposes, at the direc-
8 tion of a person licensed to practice medicine and
9 surgery by the board of medicine: (1) A baseline
10 mammogram for women age thirty-five to thirty-nine,
11 inclusive; (2) a mammogram for women age forty to
12 forty-nine inclusive, every two years or more fre-
13 quently based on the woman's physician's recommen-

14 dation; (3) a mammogram every year for women age
15 fifty and over; (4) a pap smear annually or more
16 frequently based on the woman's physician's recom-
17 mendation for women age eighteen or over. A policy,
18 provision, contract, plan or agreement may apply to
19 mammograms or pap smears, the same deductibles,
20 coinsurance and other limitations as apply to other
21 covered services.

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

Fredrick Persen
.....
Chairman Senate Committee

L. L. Satter
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1989.

James C. Smith
.....
Clerk of the Senate

Donald L. Goff
.....
Clerk of the House of Delegates

Sam W. Tucker
.....
President of the Senate

Bob C. Child
.....
Speaker House of Delegates

The within *is approved* this *26th* day of *April* 1989.

Yastou Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/89

Time 2:45