

SB 516

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for

SENATE BILL NO. 516

(By Senator Tomblin, Mr. President, et al)



PASSED March 11, 2000

In Effect ninety days from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 516

(SENATORS TOMBLIN, MR. PRESIDENT, HELMICK, WALKER,
HUNTER, SPROUSE, WOOTON, MITCHELL, PREZIOSO,
McCABE, CRAIGO, SNYDER, MINARD, KESSLER, ROSS,
ANDERSON, SHARPE, PLYMALE, EDGELL, BALL, LOVE, DAWSON,
UNGER, REDD, BOWMAN AND JACKSON, *original sponsors*)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seven-a; to amend article fifteen, chapter thirty-three of said code by adding thereto a new section, designated section four-f; to amend article sixteen of said chapter by adding thereto a new section, designated section three-o; to amend article twenty-four of said chapter by adding thereto a new section, designated section seven-f; to amend article twenty-five of said chapter by adding thereto a new section,

designated section eight-e; and to amend article twenty-five-a of said chapter by adding thereto a new section, designated section eight-e, all relating to requiring insurance companies that provide health care coverage to provide for colorectal cancer examinations and laboratory tests for colorectal cancer.

Be it enacted by the Legislature of West Virginia:

That article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seven-a; that article fifteen, chapter thirty-three of said code be amended by adding thereto a new section, designated section four-f; that article sixteen of said chapter be amended by adding thereto a new section, designated section three-o; that article twenty-four of said chapter be amended by adding thereto a new section, designated section seven-f; that article twenty-five of said chapter be amended by adding thereto a new section, designated section eight-e; and that article twenty-five-a of said chapter be amended by adding thereto a new section, designated section eight-e, all to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE
AND ATTORNEY GENERAL; BOARD OF PUBLIC
WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-7a. Additional mandated benefits; third party reimbursement for colorectal cancer examination and laboratory testing.

- 1 (a) Notwithstanding any provision of any policy, provi-
- 2 sion, contract, plan or agreement applicable to this article,
- 3 reimbursement or indemnification for colorectal cancer
- 4 examinations and laboratory testing may not be denied for

5 any nonsymptomatic person fifty years of age or older, or
6 a symptomatic person under fifty years of age, when
7 reimbursement or indemnity for laboratory or X-ray
8 services are covered under the policy and are performed
9 for colorectal cancer screening or diagnostic purposes at
10 the direction of a person licensed to practice medicine and
11 surgery by the board of medicine. The tests are as follows:
12 an annual fecal occult blood test, a flexible sigmoidoscopy
13 repeated every five years, a colonoscopy repeated every ten
14 years, and a double contrast barium enema repeated every
15 five years.

16 (b) A symptomatic person is defined as: (1) An individual
17 who experiences a change in bowel habits, rectal bleeding
18 or stomach cramps that are persistent, or (2) an individual
19 who poses a higher than average risk for colorectal cancer
20 because he or she has had colorectal cancer or polyps,
21 inflammatory bowel disease, or an immediate family
22 history of such conditions.

23 (c) The same deductibles, coinsurance, network restric-
24 tions and other limitations for covered services found in
25 the policy, provision, contract, plan or agreement of the
26 covered person may apply to colorectal cancer examina-
27 tions and laboratory testing.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4f. Third party reimbursement for colorectal cancer examination and laboratory testing.

1 (a) Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement applicable to this article,
3 reimbursement or indemnification for colorectal cancer
4 examinations and laboratory testing may not be denied for
5 any nonsymptomatic person fifty years of age or older, or
6 a symptomatic person under fifty years of age, when

7 reimbursement or indemnity for laboratory or X-ray
8 services are covered under the policy and are performed
9 for colorectal cancer screening or diagnostic purposes at
10 the direction of a person licensed to practice medicine and
11 surgery by the board of medicine. The tests are as follows:
12 an annual fecal occult blood test, a flexible sigmoidoscopy
13 repeated every five years, a colonoscopy repeated every ten
14 years and a double contrast barium enema repeated every
15 five years.

16 (b) A symptomatic person is defined as: (i) An individual
17 who experiences a change in bowel habits, rectal bleeding
18 or stomach cramps that are persistent, or (ii) an individual
19 who poses a higher than average risk for colorectal cancer
20 because he or she has had colorectal cancer or polyps,
21 inflammatory bowel disease, or an immediate family
22 history of such conditions.

23 (c) The same deductibles, coinsurance, network restric-
24 tions and other limitations for covered services found in
25 the policy, provision, contract, plan or agreement of the
26 covered person may apply to colorectal cancer examina-
27 tions and laboratory testing.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-30. Third party reimbursement for colorectal cancer examination and laboratory testing.

1 (a) Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement applicable to this article,
3 reimbursement or indemnification for colorectal cancer
4 examinations and laboratory testing may not be denied for
5 any nonsymptomatic person fifty years of age or older, or
6 a symptomatic person under fifty years of age, when
7 reimbursement or indemnity for laboratory or X-ray
8 services are covered under the policy and are performed
9 for colorectal cancer screening or diagnostic purposes at
10 the direction of a person licensed to practice medicine and

11 surgery by the board of medicine. The tests are as follows:
12 an annual fecal occult blood test, a flexible sigmoidoscopy
13 repeated every five years, a colonoscopy repeated every ten
14 years and a double contrast barium enema repeated every
15 five years.

16 (b) A symptomatic person is defined as: (i) An individual
17 who experiences a change in bowel habits, rectal bleeding
18 or stomach cramps that are persistent, or (ii) an individual
19 who poses a higher than average risk for colorectal cancer
20 because he or she has had colorectal cancer or polyps,
21 inflammatory bowel disease, or an immediate family
22 history of such conditions.

23 (c) The same deductibles, coinsurance, network restric-
24 tions and other limitations for covered services found in
25 the policy, provision, contract, plan or agreement of the
26 covered person may apply to colorectal cancer examina-
27 tions and laboratory testing.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE
CORPORATIONS, DENTAL SERVICE CORPORATIONS
AND HEALTH SERVICE CORPORATIONS.**

**§33-24-7f. Third party reimbursement for colorectal cancer
examination and laboratory testing.**

1 (a) Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement applicable to this article,
3 reimbursement or indemnification for colorectal cancer
4 examinations and laboratory testing may not be denied for
5 any nonsymptomatic person fifty years of age or older, or
6 a symptomatic person under fifty years of age, when
7 reimbursement or indemnity for laboratory or X-ray
8 services are covered under the policy and are performed
9 for colorectal cancer screening or diagnostic purposes at
10 the direction of a person licensed to practice medicine and
11 surgery by the board of medicine. The tests are as follows:
12 an annual fecal occult blood test, a flexible sigmoidoscopy

13 repeated every five years, a colonoscopy repeated every ten
14 years and a double contrast barium enema repeated every
15 five years.

16 (b) A symptomatic person is defined as: (i) An individual
17 who experiences a change in bowel habits, rectal bleeding
18 or stomach cramps that are persistent, or (ii) an individual
19 who poses a higher than average risk for colorectal cancer
20 because he or she has had colorectal cancer or polyps,
21 inflammatory bowel disease, or an immediate family
22 history of such conditions.

23 (c) The same deductibles, coinsurance, network restric-
24 tions and other limitations for covered services found in
25 the policy, provision, contract, plan or agreement of the
26 covered person may apply to colorectal cancer examina-
27 tions and laboratory testing.

ARTICLE 25. HEALTH CARE CORPORATIONS.

**§33-25-8e. Third party reimbursement for colorectal cancer
examination and laboratory testing.**

1 (a) Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement applicable to this article,
3 reimbursement or indemnification for colorectal cancer
4 examinations and laboratory testing may not be denied for
5 any nonsymptomatic person fifty years of age or older, or
6 a symptomatic person under fifty years of age, when
7 reimbursement or indemnity for laboratory or X-ray
8 services are covered under the policy and are performed
9 for colorectal cancer screening or diagnostic purposes at
10 the direction of a person licensed to practice medicine and
11 surgery by the board of medicine. The tests are as follows:
12 an annual fecal occult blood test, a flexible sigmoidoscopy
13 repeated every five years, a colonoscopy repeated every ten
14 years and a double contrast barium enema repeated every
15 five years.

16 (b) A symptomatic person is defined as: (i) An individual
17 who experiences a change in bowel habits, rectal bleeding
18 or stomach cramps that are persistent, or (ii) an individual
19 who poses a higher than average risk for colorectal cancer
20 because he or she has had colorectal cancer or polyps,
21 inflammatory bowel disease, or an immediate family
22 history of such conditions.

23 (c) The same deductibles, coinsurance, network restric-
24 tions and other limitations for covered services found in
25 the policy, provision, contract, plan or agreement of the
26 covered person may apply to colorectal cancer examina-
27 tions and laboratory testing.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

**§33-25A-8e. Third party reimbursement for colorectal cancer
examination and laboratory testing.**

1 (a) Notwithstanding any provision of any policy, provi-
2 sion, contract, plan or agreement applicable to this article,
3 reimbursement or indemnification for colorectal cancer
4 examinations and laboratory testing may not be denied for
5 any nonsymptomatic person fifty years of age or older, or
6 a symptomatic person under fifty years of age, when
7 reimbursement or indemnity for laboratory or X-ray
8 services are covered under the policy and are performed
9 for colorectal cancer screening or diagnostic purposes at
10 the direction of a person licensed to practice medicine and
11 surgery by the board of medicine. The tests are as follows:
12 an annual fecal occult blood test, a flexible sigmoidoscopy
13 repeated every five years, a colonoscopy repeated every ten
14 years and a double contrast barium enema repeated every
15 five years.

16 (b) A symptomatic person is defined as: (i) An individual
17 who experiences a change in bowel habits, rectal bleeding
18 or stomach cramps that are persistent, or (ii) an individual
19 who poses a higher than average risk for colorectal cancer

20 because he or she has had colorectal cancer or polyps,
21 inflammatory bowel disease, or an immediate family
22 history of such conditions.

23 (c) The same deductibles, coinsurance, network restric-
24 tions and other limitations for covered services found in
25 the policy, provision, contract, plan or agreement of the
26 covered person may apply to colorectal cancer examina-
27 tions and laboratory testing.

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

Originated in the Senate.

In 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..... *approved* this the *7th*
Day of *April*, 2000

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 3:00 pm