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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2005

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ENROLLED

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House Bill No. 3014

(By Delegates H. White, Hrutkay, G. White, R. M. Thompson, Webster, Cann and Hamilton)

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Passed April 9, 2005

In Effect Ninety Days from Passage
AN ACT to amend and reenact §33-15-2g of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-1b, all relating to required coverage for specific conditions or treatments in individual and group accident and sickness policies of insurance; and providing limitations on applicability of these requirements.

Be it enacted by the Legislature of West Virginia:

That §33-15-2g of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §33-16-1b, all to read as follows:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-2g. Applicability.

1. (a) The requirements of sections two-b, two-d, two-e and two-f of this article and the provisions of this article which
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generally require policies of accident and sickness insurance to
cover specific conditions or treatments, but which are not
expressly made applicable to the following types of policies, do
not apply to:

(1) Coverage only for accident, or disability income
insurance or any combination thereof;

(2) Coverage issued as a supplement to liability insurance;

(3) Liability insurance, including general liability insurance
and automobile liability insurance;

(4) Workers’ Compensation or similar insurance;

(5) Automobile medical payment insurance;

(6) Credit-only insurance;

(7) Coverage for on-site medical clinics; and

(8) Other similar insurance coverage, which may be
specified by rule, under which benefits for medical care are
secondary or incidental to other insurance benefits.

(b) The requirements of sections two-b, two-d, two-e and
two-f of this article and the provisions of this article which
generally require policies of accident and sickness insurance to
cover specific conditions or treatments, but which are not
expressly made applicable to the following types of policies, do
not apply to the following if provided under a separate policy,
certificate, or contract of insurance:

(1) Limited scope dental or vision benefits;

(2) Benefits for long-term care, nursing home care, home
health care, community-based care, or any combination thereof;
(3) Coverage for only a specified disease or illness;

(4) Hospital indemnity or other fixed indemnity insurance;

(5) Medicare supplement insurance (as defined under section 1882(g)(1) of the Social Security Act), coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code, and similar supplemental coverage provided to coverage under group accident and sickness insurance; and

(6) Any other benefits as may be specified by rule.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-1b. Applicability.

(a) The provisions of this article which generally require policies of group accident and sickness insurance to cover specific conditions or treatments, but which are not expressly made applicable to the following types of policies, do not apply to:

(1) Coverage only for accident, or disability income insurance or any combination thereof;

(2) Coverage issued as a supplement to liability insurance;

(3) Liability insurance, including general liability insurance and automobile liability insurance;

(4) Workers’ Compensation or similar insurance;

(5) Automobile medical payment insurance;

(6) Credit-only insurance;

(7) Coverage for on-site medical clinics; and
Other similar insurance coverage, which may be specified by rule, under which benefits for medical care are secondary or incidental to other insurance benefits.

(b) The requirements of sections two-b, two-d, two-e and two-f, article fifteen of this chapter and the provisions of this article which generally require policies of group accident and sickness insurance to cover specific conditions or treatments, but which are not expressly made applicable to the following types of policies, do not apply to the following if provided under a separate policy, certificate, or contract of insurance:

(1) Limited scope dental or vision benefits;

(2) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof;

(3) Coverage for only a specified disease or illness;

(4) Hospital indemnity or other fixed indemnity insurance;

(5) Medicare supplement insurance (as defined under section 1882(g)(1) of the Social Security Act), coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code, and similar supplemental coverage provided to coverage under group accident and sickness insurance; and

(6) Any other benefits as may be specified by rule.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 2nd day of May, 2005.

Governor
PRESENTED TO THE
GOVERNOR

MAY  2 2005

Time 10:05 a.m.