

FILE

2010 APR -2 PM 4:08

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**Senate Bill No. 449**

(SENATORS HELMICK, KESSLER, MINARD,  
UNGER AND PLYMALE, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

SB 449

FILED

2010 APR -2 PM 4: 08

OFFICE OF THE CLERK  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 449**

(SENATORS HELMICK, KESSLER, MINARD, UNGER  
AND PLYMALE, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16-17 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act generally; clarifying the definition of pre-existing condition; and providing instances in which participants may enroll or make plan selections.

*Be it enacted by the Legislature of West Virginia:*

That §5-16-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

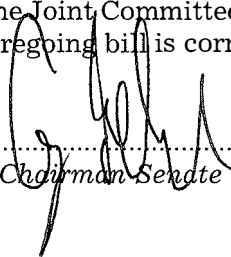
**§5-16-17. Preexisting conditions not covered; defined.**

1 A preexisting condition is an injury, or sickness, or any  
2 condition relating to that injury, or sickness, for which a

3 participant is diagnosed, receives treatment, or incurs  
4 expenses prior to the effective date of coverage.

5 For all participants enrolling in the plan after the  
6 effective date of this section, payment shall be made for  
7 expenses incurred for or in connection with a preexisting  
8 condition: *Provided*, That participants may enroll or make  
9 plan selections only at the time of hire, during annual open  
10 enrollment or upon the occurrence of a “qualifying event”  
11 under section 125 of the United States Internal Revenue  
12 Code.

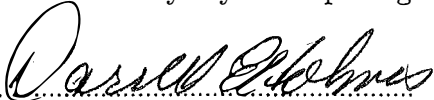
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

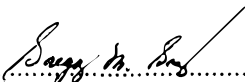
  
.....  
Chairman Senate Committee

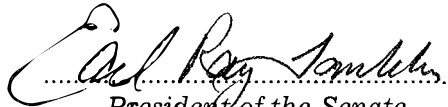
  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *2nd*  
Day of *April* ....., 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 01 2010

Time 4:10 p