

HB 3057 3

FILED

2007 APR -4 AM 11:20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

House Bill No. 3057

(By Delegate Perdue)



Passed March 10, 2007

In Effect Ninety Days from Passage

FILED

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H. B. 3057

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATE PERDUE)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2K-1 and §16-2K-2, all relating to programs for all-inclusive care of the elderly, known as “PACE”; setting forth legislative intent; defining terms; and exempting “PACE” programs from regulation by the Insurance Commissioner.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-2K-1 and §16-2K-2, all to read as follows:

ARTICLE 2K. PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY, “PACE”.

§16-2K-1. Legislative findings and statement of purpose.

1 (a) The United States Department of Health and Human
2 Services has established a model of managed care service
3 delivery that encourages innovative integrated health care
4 delivery systems to serve frail and disabled elders with
5 effective primary, preventive, restorative, supportive and

6 palliative care. The program, as authorized in 42 CFR §460,
7 §462, §466, §473 and §476, provides for the establishment of
8 local programs to reorganize and reintegrate local health care
9 delivery systems.

10 (b) The program for all-inclusive care for the elderly or
11 "PACE" is a capitated program that is operated in accordance
12 with federal law by a public, private, nonprofit or proprietary
13 entity to provide comprehensive health and social services to
14 disabled and frail elderly persons, certified by the state as
15 nursing home eligible to maximize the autonomy and
16 continued independence of these elderly persons.

17 (c) The Legislature finds that the "PACE" programs will
18 enhance the quality of life, function and health of elderly
19 persons.

20 (d) In order to promote the expansion of medical, social
21 and long-term care services for the elderly, it is the intent of
22 the Legislature to eliminate legal, statutory and regulatory
23 barriers to the establishment of "PACE" programs by
24 exempting health providers participating in these programs
25 from regulation as insurers.

**§16-2K-2. "PACE" program operation; exemption from
regulation as an insurer; annual reports
to the Legislature.**

1 (a) A "PACE" program may operate in this state only in
2 accordance with a contract with the United States Department
3 of Health and Human Services, which is prepared in
4 consultation with and approved by the West Virginia
5 Department of Health and Human Resources.

6
7 (b) Notwithstanding the provisions of chapter thirty-
8 three of this code to the contrary, participation by providers
9 in a "PACE" program created and authorized pursuant to this
10 article is not considered as providing insurance or as offering
11 insurance services, and "PACE" providers and services are
12 specifically excluded from the definitions of "insurer" and
13 "insurance" as defined in article one, chapter thirty-three of

14 this code, and from the definition of “health maintenance
15 organization” as defined in article twenty-five-a of this code.
16 Participating “PACE” providers are not unauthorized insurers
17 pursuant to section four, article forty-four of chapter thirty-
18 three of this code. These “PACE” programs are not subject
19 to regulation by the Insurance Commissioner except to the
20 extent set forth in this article.

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


Chairman Senate Committee

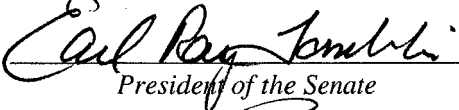

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

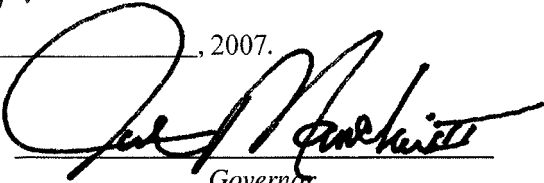

Clerk of the Senate


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 April, 2007.


Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2007

Time 4:00pm