WEST VIRGINIA CODE: §33-47-4

§33-47-4. Powers of the commission.

The commission shall have the following powers:

(a) To promulgate rules, pursuant to section seven of this article, which shall have the force and effect of law and shall be binding in the compacting states to the extent and in the manner provided in this article;

(b) To exercise its rule-making authority and establish reasonable uniform standards for products covered under the compact, and advertisement related thereto, which shall have the force and effect of law and shall be binding in the compacting states, but only for those products filed with the commission: Provided, That a compacting state shall have the right to opt out of any uniform standard pursuant to section seven of this article, to the extent and in the manner provided in this article: Provided, however, That any uniform standard established by the commission for long-term care insurance products may provide the same or greater protections for consumers as, but shall not provide less than, those protections set forth in the national association of Insurance Commissioners' long-term care insurance model act and long-term care insurance model regulation, respectively, adopted as of two thousand one. The commission shall consider whether any subsequent amendments to the national association of Insurance Commissioners' long-term care insurance model act or the long-term care insurance model regulation adopted by the national association of Insurance Commissioners require the commissioner to amend the uniform standards established by the commission for long-term care insurance products;

(c) To receive and review in an expeditious manner products filed with the commission and rate filings for disability income and long-term care insurance products and give approval of those products and rate filings that satisfy the applicable uniform standard, where such approval shall have the force and effect of law and be binding on the compacting states to the extent and in the manner provided in the compact;

(d) To receive and review in an expeditious manner advertisement relating to long-term care insurance products for which uniform standards have been adopted by the commission, and give approval to all advertisement that satisfies the applicable uniform standard. For any product covered under this compact, other than long-term care insurance products, the commission shall have the authority to require an insurer to submit all or any part of its advertisement with respect to that product for review or approval prior to use, if the commission determines that the nature of the product is such that an advertisement of the product could have the capacity or tendency to mislead the public. The actions of the commission as provided in this subsection shall have the force and effect of law and shall be binding in the compacting states to the extent and in the manner provided in the compact;

(e) To exercise its rule-making authority and designate products and advertisement that may

be subject to a self-certification process without the need for prior approval by the commission;

(f) To promulgate operating procedures, pursuant to section seven of this article, which shall be binding in the compacting states to the extent and in the manner provided in this article;

(g) To bring and prosecute legal proceedings or actions in its name as the commission: Provided, That the standing of any state insurance department to sue or be sued under applicable law shall not be affected;

(h) To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;

(i) To establish and maintain offices;

(j) To purchase and maintain insurance and bonds;

(k) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compacting state;

(l) To hire employees, professionals or specialists and elect or appoint officers and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the compact and determine their qualifications; and to establish the commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;

(m) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose of the same: Provided, That at all times the commission shall strive to avoid any appearance of impropriety;

(n) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed: Provided, That at all times the commission shall strive to avoid any appearance of impropriety;

(o) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

(p) To remit filing fees to compacting states as may be set forth in the bylaws, rules or operating procedures;

(q) To enforce compliance by compacting states with rules, uniform standards, operating procedures and bylaws;

(r) To provide for dispute resolution among compacting states;

(s) To advise compacting states on issues relating to insurers domiciled or doing business in

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noncompacting jurisdictions, consistent with the purposes of this compact;

(t) To provide advice and training to those personnel in state insurance departments responsible for product review and to be a resource for state insurance departments;

(u) To establish a budget and make expenditures;

(v) To borrow money;

(w) To appoint committees, including advisory committees comprising members, state insurance regulators, state legislators or their representatives, insurance industry and consumer representatives and any other interested persons as may be designated in the bylaws;

(x) To provide and receive information from, and to cooperate with, law-enforcement agencies;

(y) To adopt and use a corporate seal; and

(z) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of the business of insurance.

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