
WEST VIRGINIA CODE CHAPTER 35
ARTICLE 1B

WV Legislature

§35-1B-1. Short title.

This article shall be known as the "Health Care Sharing Ministries Freedom to Share Act".

WV Legislature

§35-1B-2. Rule of Construction.

Nothing in this Article shall be construed to abrogate or reduce a right, privilege or protection reserved for or accruing to a religious organization pursuant to §35-1A-1 of this code.

WV Legislature

§35-1B-3. Exemption of Health Care Sharing Ministries from the Insurance Code

A health care sharing ministry may not be considered to be engaging in the business of insurance for purposes of chapter 33 of this code.

WV Legislature

§35-1B-4. Definition.

"Health care sharing ministry" for purposes of this article means a not for profit organization:

- (a) Whose members are limited to those who share a common set of ethical or religious beliefs and share medical expenses among members in accordance with those beliefs without regard to the state in which a member resides or is employed;
- (b) That provides for the financial or medical needs of a member through contributions from other members;
- (c) Whose members retain membership even after they develop a medical condition;
- (d) Provides amounts that members may contribute with no assumption of risk or promise to pay among the members and no assumption of risk or promise to pay by the health care sharing ministry to the members;
- (e) Provides to the members annually the total dollar amount of qualified needs actually shared in the previous year in accordance with criteria established by the health care sharing ministry;
- (f) Conducts an annual audit which is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and which is made available to the public by providing a copy upon request, or by posting on the organization's website; and
- (g) Provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that is substantially similar to the following: Notice: The organization facilitating the sharing of medical expenses is not an insurance company, and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive any payments for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills. Complaints concerning this health care sharing ministry may be reported to the Attorney General of your state.

§35-1B-5. Public Institutions of Higher Education.

If a public institution of higher education in this state requires a student to purchase health care insurance, the institution shall allow the student to satisfy this requirement through membership in a health care sharing ministry.

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§35-1B-6. Third-party Payers.

Health Care Sharing Ministries may not be considered third-party payers for any purposes where the term "Third Party Payer or Payers" occurs in any sections of law of this code, including financial assistance programs for hospitals, Medicaid, SCHIP, other safety net programs for health care, and chapter 33 of this code.

WV Legislature