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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1985



ENROLLED

SENATE BILL NO. 213

(By Mr. Jucker)



PASSED April 11, 1985

In Effect ninety days from Passage



**ENROLLED**  
**Senate Bill No. 213**

(BY MR. TUCKER)

[Passed April 11, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article five-d, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article fifteen, chapter thirty-three of said code by adding thereto a new section, designated section twelve; to amend article sixteen of said chapter by adding thereto a new section, designated section eight; to amend article sixteen-a of said chapter by adding thereto a new section, designated section ten-a; to amend article twenty-three of said chapter by adding thereto a new section, designated section thirty-five; and to amend article twenty-four of said chapter by adding thereto a new section, designated section thirteen, all relating to providing coverage for continuum of care services by insurance companies and health care corporations.

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

That section ten, article five-d, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that article fifteen, chapter thirty-three of said code be amended by adding thereto a new section, designated section twelve; that article sixteen of said chapter be amended by adding thereto a new section, designated section eight; that article sixteen-a of said chapter be

amended by adding thereto a new section, designated section ten-a; that article twenty-three of said chapter be amended, by adding thereto a new section, designated section thirty-five; and that article twenty-four of said chapter be amended by adding thereto a new section, designated section thirteen, all to read as follows:

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 5D. COORDINATION OF CONTINUUM OF CARE SERVICES FOR ELDERLY, IMPAIRED AND TERMINALLY ILL.**

#### **§16-5D-10. Insurance.**

1 Not later than the first day of July, one thousand nine  
2 hundred eighty-six, every insurance carrier who shall offer  
3 for sale in this state any policy of health or accident and  
4 sickness insurance, shall make available for purchase at a  
5 reasonable rate supplemental insurance coverage for  
6 continuum of care services: *Provided*, That any insurance  
7 carrier required to provide supplemental insurance  
8 coverage for continuum of care services hereunder shall not  
9 be required to expend funds for underwriting such  
10 supplemental coverage until the continuum of care board,  
11 in cooperation with the West Virginia state insurance  
12 commissioner, shall have completed a written master plan  
13 related to insurance coverage as set forth in chapter sixteen,  
14 article five-d, section five of the code of West Virginia, one  
15 thousand nine hundred thirty-one, as amended, including,  
16 but not limited to, the specific standards and coverages to  
17 be provided in such supplemental coverage: *Provided*,  
18 *however*, That a public hearing shall be held pursuant to the  
19 provisions of chapter twenty-nine-a of this code applicable  
20 to such proceedings prior to the considerations of the  
21 aforesaid plan by said board. The rates for continuum of  
22 care coverage shall accurately reflect the cost of such  
23 coverage and shall not be subsidized by the rate structure  
24 for any other coverage.

## **CHAPTER 33. INSURANCE.**

### **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

#### **§33-15-12. Continuum of care services.**

1 Any insurer which, on or after the first day of July, one

2 thousand nine hundred eighty-six, delivers or issues for  
3 delivery in this state any policy of accident and sickness  
4 insurance under the provisions of this article, shall make  
5 available for purchase, at a reasonable rate, supplemental  
6 insurance coverage for continuum of care services pursuant  
7 to article five-d, chapter sixteen of this code: *Provided,*  
8 That any insurance carrier required to provide  
9 supplemental insurance coverage for continuum of care  
10 services hereunder shall not be required to expend funds for  
11 underwriting such supplemental coverage until the  
12 continuum of care board, in cooperation with the West  
13 Virginia state insurance commissioner, shall have  
14 completed a written master plan related to insurance  
15 coverage as set forth in chapter sixteen, article five-d,  
16 section five of the code of West Virginia, one thousand nine  
17 hundred thirty-one, as amended, including, but not limited  
18 to, the specific standards and coverages to be provided in  
19 such supplemental coverage: *Provided, however,* That a  
20 public hearing shall be held pursuant to the provisions of  
21 chapter twenty-nine-a of this code applicable to such  
22 proceedings prior to the considerations of the aforesaid  
23 plan by said board. The rates for continuum of care  
24 coverage shall accurately reflect the cost of such coverage  
25 and shall not be subsidized by the rate structure for any  
26 other coverage.

**ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

**§33-16-8. Continuum of care services.**

1 Any insurer which, on or after the first day of July, one  
2 thousand nine hundred eighty-six, delivers or issues for  
3 delivery in this state any policy of group accident and  
4 sickness insurance under the provisions of this article, shall  
5 make available for purchase, at a reasonable rate,  
6 supplemental insurance coverage for continuum of care  
7 services pursuant to article five-d, chapter sixteen of this  
8 code: *Provided,* That any insurance carrier required to  
9 provide supplemental insurance coverage for continuum of  
10 care services hereunder shall not be required to expend  
11 funds for underwriting such supplemental coverage until  
12 the continuum of care board, in cooperation with the West  
13 Virginia state insurance commissioner, shall have

14 completed a written master plan related to insurance  
15 coverage as set forth in chapter sixteen, article five-d,  
16 section five of the code of West Virginia, one thousand nine  
17 hundred thirty-one, as amended, including, but not limited  
18 to, the specific standards and coverages to be provided in  
19 such supplemental coverage: *Provided, however,* That a  
20 public hearing shall be held pursuant to the provisions of  
21 chapter twenty-nine-a of this code applicable to such  
22 proceedings prior to the considerations of the aforesaid  
23 plan by said board. The rates for continuum of care  
24 coverage shall accurately reflect the cost of such coverage  
25 and shall not be subsidized by the rate structure for any  
26 other coverage.

**ARTICLE 16A. GROUP HEALTH INSURANCE CONVERSION.**

**§33-16A-10a. Continuum of care services.**

1 If the group insurance policy from which conversion is  
2 made insures the employee or member for continuum of  
3 care services pursuant to article five-d, chapter sixteen of  
4 this code, the employee or member shall be entitled to  
5 obtain a converted policy providing benefits for continuum  
6 of care services to the same extent such benefits are  
7 provided in the group insurance policy: *Provided,* That any  
8 insurance carrier required to provide supplemental  
9 insurance coverage for continuum of care services  
10 hereunder shall not be required to expend funds for  
11 underwriting such supplemental coverage until the  
12 continuum of care board, in cooperation with the West  
13 Virginia state insurance commissioner, shall have  
14 completed a written master plan related to insurance  
15 coverage as set forth in chapter sixteen, article five-d,  
16 section five of the code of West Virginia, one thousand nine  
17 hundred thirty-one, as amended, including, but not limited  
18 to, the specific standards and coverages to be provided in  
19 such supplemental coverage: *Provided, however,* That a  
20 public hearing shall be held pursuant to the provisions of  
21 chapter twenty-nine-a of this code applicable to such  
22 proceedings prior to the considerations of the aforesaid  
23 plan by said board. The rates for continuum of care  
24 coverage shall accurately reflect the cost of such coverage  
25 and shall not be subsidized by the rate structure for any  
26 other coverage.

**ARTICLE 23. FRATERNAL BENEFIT SOCIETIES.****§33-23-35. Continuum of care services.**

1 Any society which, on or after the first day of July, one  
 2 thousand nine hundred eighty-six, delivers or issues for  
 3 delivery in this state any policy under the provisions of  
 4 subsection one-e, section seventeen of this article, shall  
 5 make available for purchase, at a reasonable rate,  
 6 supplemental insurance coverage for continuum of care  
 7 services pursuant to article five-d, chapter sixteen of this  
 8 code: *Provided*, That any insurance carrier required to  
 9 provide supplemental insurance coverage for continuum of  
 10 care services hereunder shall not be required to expend  
 11 funds for underwriting such supplemental coverage until  
 12 the continuum of care board, in cooperation with the West  
 13 Virginia state insurance commissioner, shall have  
 14 completed a written master plan related to insurance  
 15 coverage as set forth in chapter sixteen, article five-d,  
 16 section five of the code of West Virginia, one thousand nine  
 17 hundred thirty-one, as amended, including, but not limited  
 18 to, the specific standards and coverages to be provided in  
 19 such supplemental coverage: *Provided, however*, That a  
 20 public hearing shall be held pursuant to the provisions of  
 21 chapter twenty-nine-a of this code applicable to such  
 22 proceedings prior to the considerations of the aforesaid  
 23 plan by said board. The rates for continuum of care  
 24 coverage shall accurately reflect the cost of such coverage  
 25 and shall not be subsidized by the rate structure for any  
 26 other coverage.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE  
 CORPORATIONS AND DENTAL SERVICE  
 CORPORATIONS.****§33-24-13. Continuum of care services.**

1 Any hospital service corporation, medical service  
 2 corporation or health service corporation which, on or after  
 3 the first day of July, one thousand nine hundred eighty-six,  
 4 delivers or issues for delivery in this state any subscriber  
 5 contract under the provisions of this article, shall make  
 6 available for purchase, at a reasonable rate, supplemental  
 7 insurance coverage for continuum of care services pursuant  
 8 to article five-d, chapter sixteen of this code: *Provided*,

9 That any insurance carrier required to provide  
10 supplemental insurance coverage for continuum of care  
11 services hereunder shall not be required to expend funds for  
12 underwriting such supplemental coverage until the  
13 continuum of care board, in cooperation with the West  
14 Virginia state insurance commissioner, shall have  
15 completed a written master plan related to insurance  
16 coverage as set forth in chapter sixteen, article five-d,  
17 section five of the code of West Virginia, one thousand nine  
18 hundred thirty-one, as amended, including, but not limited  
19 to, the specific standards and coverages to be provided in  
20 such supplemental coverage: *Provided, however,* That a  
21 public hearing shall be held pursuant to the provisions of  
22 chapter twenty-nine-a of this code applicable to such  
23 proceedings prior to the considerations of the aforesaid  
24 plan by said board. The rates for continuum of care  
25 coverage shall accurately reflect the cost of such coverage  
26 and shall not be subsidized by the rate structure for any  
27 other coverage.

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

*Bruce Leach*  
.....  
Chairman Senate Committee

*Floyd Fuller*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Jedd C. Nich*  
.....  
Clerk of the Senate

*Donald L. Hogg*  
.....  
Clerk of the House of Delegates

*Dan Turkwin*  
.....  
President of the Senate

*Joseph P. Allright*  
.....  
Speaker House of Delegates

The within *Approved* ..... this the *2<sup>nd</sup>* .....  
day of *May* ..... 1985.

*Richard Rouse*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/17/85

Time 3:55 p.m.