WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

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 hundred eighty-six, every insurance carrier who shall offer for sale in this state any policy of health or accident and sickness insurance, shall make available for purchase at a reasonable rate supplemental insurance coverage for continuum of care services: Provided, That any insurance carrier required to provide supplemental insurance coverage for continuum of care services hereunder shall not be required to expend funds for underwriting such supplemental coverage until the continuum of care board, in cooperation with the West Virginia state insurance commissioner, shall have completed a written master plan related to insurance coverage as set forth in chapter sixteen, article five-d, section five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, including, but not limited to, the specific standards and coverages to be provided in such supplemental coverage: Provided, however, That a public hearing shall be held pursuant to the provisions of chapter twenty-nine-a of this code applicable to such proceedings prior to the considerations of the aforesaid plan by said board. The rates for continuum of care coverage shall accurately reflect the cost of such coverage and shall not be subsidized by the rate structure for any other coverage.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.


1 Any insurer which, on or after the first day of July, one
thousand nine hundred eighty-six, delivers or issues for
delivery in this state any policy of accident and sickness
insurance under the provisions of this article, shall make
available for purchase, at a reasonable rate, supplemental
insurance coverage for continuum of care services pursuant
to article five-d, chapter sixteen of this code: Provided,
That any insurance carrier required to provide
supplemental insurance coverage for continuum of care
services hereunder shall not be required to expend funds for
underwriting such supplemental coverage until the
continuum of care board, in cooperation with the West
Virginia state insurance commissioner, shall have
completed a written master plan related to insurance
coverage as set forth in chapter sixteen, article five-d,
section five of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, including, but not limited
to, the specific standards and coverages to be provided in
such supplemental coverage: Provided, however, That a
public hearing shall be held pursuant to the provisions of
chapter twenty-nine-a of this code applicable to such
proceedings prior to the considerations of the aforesaid
plan by said board. The rates for continuum of care
coverage shall accurately reflect the cost of such coverage
and shall not be subsidized by the rate structure for any
other coverage.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-8. Continuum of care services.

Any insurer which, on or after the first day of July, one
thousand nine hundred eighty-six, delivers or issues for
delivery in this state any policy of group accident and
sickness insurance under the provisions of this article, shall
make available for purchase, at a reasonable rate,
supplemental insurance coverage for continuum of care
services pursuant to article five-d, chapter sixteen of this
code: Provided, That any insurance carrier required to
provide supplemental insurance coverage for continuum of
care services hereunder shall not be required to expend
funds for underwriting such supplemental coverage until
the continuum of care board, in cooperation with the West
Virginia state insurance commissioner, shall have
completed a written master plan related to insurance coverage as set forth in chapter sixteen, article five-d, section five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, including, but not limited to, the specific standards and coverages to be provided in such supplemental coverage: Provided, however, That a public hearing shall be held pursuant to the provisions of chapter twenty-nine-a of this code applicable to such proceedings prior to the considerations of the aforesaid plan by said board. The rates for continuum of care coverage shall accurately reflect the cost of such coverage and shall not be subsidized by the rate structure for any other coverage.

ARTICLE 16A. GROUP HEALTH INSURANCE CONVERSION.

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

If the group insurance policy from which conversion is made insures the employee or member for continuum of care services pursuant to article five-d, chapter sixteen of this code, the employee or member shall be entitled to obtain a converted policy providing benefits for continuum of care services to the same extent such benefits are provided in the group insurance policy: Provided, That any insurance carrier required to provide supplemental insurance coverage for continuum of care services hereunder shall not be required to expend funds for underwriting such supplemental coverage until the continuum of care board, in cooperation with the West Virginia state insurance commissioner, shall have completed a written master plan related to insurance coverage as set forth in chapter sixteen, article five-d, section five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, including, but not limited to, the specific standards and coverages to be provided in such supplemental coverage: Provided, however, That a public hearing shall be held pursuant to the provisions of chapter twenty-nine-a of this code applicable to such proceedings prior to the considerations of the aforesaid plan by said board. The rates for continuum of care coverage shall accurately reflect the cost of such coverage and shall not be subsidized by the rate structure for any other coverage.
ARTICLE 23. FRATERNAL BENEFIT SOCIETIES.

§33-23-35. Continuum of care services.

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

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS AND DENTAL SERVICE CORPORATIONS.

§33-24-13. Continuum of care services.

Any hospital service corporation, medical service corporation or health service corporation which, on or after the first day of July, one thousand nine hundred eighty-six, delivers or issues for delivery in this state any subscriber contract under the provisions of this article, shall make available for purchase, at a reasonable rate, supplemental insurance coverage for continuum of care services pursuant to article five-d, chapter sixteen of this code: Provided,
That any insurance carrier required to provide supplemental insurance coverage for continuum of care services hereunder shall not be required to expend funds for underwriting such supplemental coverage until the continuum of care board, in cooperation with the West Virginia state insurance commissioner, shall have completed a written master plan related to insurance coverage as set forth in chapter sixteen, article five-d, section five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, including, but not limited to, the specific standards and coverages to be provided in such supplemental coverage: Provided, however, That a public hearing shall be held pursuant to the provisions of chapter twenty-nine-a of this code applicable to such proceedings prior to the considerations of the aforesaid plan by said board. The rates for continuum of care coverage shall accurately reflect the cost of such coverage and shall not be subsidized by the rate structure for any other coverage.
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 ........................................ this the 2nd day of May 1985.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/17/85
Time 3:55 p.m.