WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 578

(By Senator Wagner, et al.)

PASSED March 8, 1995

In Effect July 1, 1995
AN ACT to amend and reenact section three, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the public employees insurance agency and the public employees insurance agency advisory board.

Be it enacted by the Legislature of West Virginia:

That section three, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-3. Public employees insurance agency continued; appointment, qualification, compensation and duties of director of agency; employees; civil service coverage; director vested after specified date with powers of public employees insurance board; expiration of agency.

1 (a) The public employees insurance agency, heretofore created, is continued, and shall consist of the director, the
3 finance board, the advisory board and such employees as
4 may be authorized by law. The director shall be ap-
5 pointed by the governor, with the advice and consent of
6 the Senate. He or she shall serve at the will and pleasure
7 of the governor, unless earlier removed from office for
8 cause as provided by law. The director shall have at least
9 three years experience in health insurance administration
10 prior to appointment as director. The director shall
11 receive an annual salary established by the governor not
12 to exceed fifty-five thousand dollars and actual expenses
13 incurred in the performance of official business. The
14 director shall employ such administrative, technical and
15 clerical employees as shall be required for the proper
16 administration of the insurance programs herein pro-
17 vided. The director shall perform such duties as are
18 required of him or her under the provisions of this article
19 and shall be the chief administrative officer of the public
20 employees insurance agency.

(b) All positions in the agency, except for the director
21 and his or her personal secretary, shall be included in the
22 classified service of the civil service system pursuant to
23 article six, chapter twenty-nine of this code. Any person
24 required to be included in the classified service by the
25 provisions of this subsection who was employed in any of
26 the positions included herein on or after the effective
27 date of this article shall not be required to take and pass
28 qualifying or competitive examinations upon or as a
29 condition to being added to the classified service: 
30 Provided, That no person required to be included in the
31 classified service by the provisions of this subsection who
32 was employed in any of the positions included herein as
33 of the effective date of this section shall be thereafter
34 severed, removed or terminated in his or her employment
35 prior to his or her entry into the classified service except
36 for cause as if such person had been in the classified
37 service when severed, removed or terminated.

(c) The director shall be responsible for the administra-
40 tion and management of the public employees insurance
agency as provided for in this article and in connection therewith shall have the power and authority to make all rules and regulations necessary to effectuate the provisions of this article. Nothing in section four or five of this article shall limit the director's ability to manage on a day-to-day basis the group insurance plans required or authorized by this article, including, but not limited to, administrative contracting, studies, analyses and audits, eligibility determinations, utilization management provisions and incentives, provider negotiations, provider contracting and payment, designation of covered and noncovered services, offering of additional coverage options or cost containment incentives, pursuit of coordination of benefits and subrogation, or any other actions which would serve to implement the plan or plans designed by the finance board.

(d) The public employees insurance agency shall terminate in the manner provided in article ten, chapter four of this code, on the first day of July, two thousand one, unless extended by legislation enacted before the termination date: Provided, That the public employees insurance agency advisory board, created in section six of this article, shall terminate in the manner provided in article ten, chapter four of this code on the first day of July one thousand nine hundred ninety-six.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1995.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 17th day of March, 1995.

Governor