WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

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ENROLLED

House Bill No. 4776

(By Delegates Douglas, Kuhn, Flanigan, Angotti, Manchin, Azinger and Stalnaker)

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Passed March 10, 2000

In Effect Ninety Days from Passage
AN ACT to amend and reenact sections one, two, three and four, article fifteen-b, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections five and six, all relating to uniform health care administration, the transfer of responsibilities to develop standard forms and procedures regarding health care claims and all other requirements and procedures under this article from the authority of the insurance commissioner to the West Virginia health care authority; and establishing penalties for violation of the uniform health care administration act.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three and four, article fifteen-b, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and to further amend said article by adding thereto two new sections, designated sections five and six, all to read as follows:
ARTICLE 15B. UNIFORM HEALTH CARE ADMINISTRATION ACT.

§33-15B-1. Legislative findings; purpose.

The Legislature hereby finds that there is a need to provide guidelines regarding uniform health care administration in order to best serve consumers, health care providers and insurers and to organize and streamline the claims process. The purpose of this article is to require the transfer of the authority of the insurance commissioner to develop standard forms and procedures regarding health care claims and to require that all insurers, third party providers, and health care providers implement and use such standards in a uniform manner to the West Virginia health care authority. The West Virginia health care authority is responsible for coordinating and overseeing the health data collection in West Virginia and coordinating database development, analysis and reporting to facilitate cost management, utilization review, and quality assurance efforts by state payors and regulatory agencies, insurers, consumers, providers, and other interested parties. The Legislature finds that the West Virginia health care authority is the appropriate agency to oversee the development of standard forms and procedures regarding health care claims. Thus, the Legislature hereby transfers the responsibilities to develop standard forms and procedures regarding health care claims and all other requirements and procedures under this article to the West Virginia health care authority.

§33-15B-2. Scope of article.

The provisions of this article apply to all health care providers in the state, including but not limited to, all insurers writing or issuing accident and sickness policies; hospital service corporations; health service corporations; medical service corporations; dental service corporations; all third party providers; all state agencies and departments, including, but not limited to, the public employees insurance agency, workers'
§33-15B-3. Health care authority to promulgate rules; use of standardized forms and classifications; advisory group.

(a) The West Virginia health care authority shall promulgate legislative rules in accordance with the provisions of chapter twenty-nine-a of this code regarding the implementation and use of uniform health care administrative forms. Such rules shall establish, where practicable, the acceptance and use throughout the health care system of standard administrative forms, terms or procedures, including, but not limited to, the following:

(1) The standard health care financing administration fifteen hundred (HCFA 1500) health insurance claim form, as amended, or other similar forms, terms, and definitions to be used which are consistent with health care and insurance industry standards.

(2) International classification of disease, ninth clinical modifications (ICD-9-CM) and common procedural terminology (CPT) codes, as amended, or other similar forms, terms, and definitions to be used which are consistent with health care and insurance industry standards.

(3) National uniform billing data element specifications (UB-92), as amended, and as supplemented by the West Virginia uniform billing committee, or other similar forms, terms, and definitions to be used which are consistent with health care and insurance industry standards.

(4) Consideration of current practices involving reimbursement of claims and explanation of benefits, and the implementation of standards and guidelines regarding explanation of
benefits, including, but not limited to, consideration of line item explanations of payments or denial of payments.

(b) The legislative rules required herein shall be developed by the West Virginia health care authority with the advice of an advisory group to be appointed by the board of the West Virginia health care authority. Such advisory group shall consist of representatives of consumers, providers, payors, and regulatory agencies, including representatives from the following: the office of the insurance commissioner; the West Virginia health care authority; West Virginia dental association; West Virginia pharmacists association; the West Virginia hospital association; commercial health insurers; third party administrators; the West Virginia state medical association; the West Virginia nurses association; public employees insurance agency; workers compensation commission; and consumers. The West Virginia health care authority shall form such advisory group after the effective date of this section.

(c) The West Virginia health care authority and the advisory group shall review the legislative rules effected pursuant to this section as necessary and update the same in a timely manner in order to conform to current legislation and health care and insurance industry standards and trends.

§33-15B-4. Compliance period; reservation of right to additional information.

(a) All health care providers, insurers, third party providers and state agencies or departments shall have one year from the date the West Virginia health care authority establishes the legislative rules required by this article to comply with the requirements of the same.

(b) This section shall not limit the right of any insurer, third party provider, state agency or department to require additional information on any claim.
§33-15B-5. Penalties for violation.

1 Any person, partnership, corporation, limited liability
2 company, professional corporation, health care provider or
3 other entity violating any provision of this article shall be guilty
4 of a misdemeanor and, upon conviction shall be punished by a
5 fine of not more than one thousand dollars. Each day of
6 continuing violation after conviction shall be considered a
7 separate offense. The West Virginia health care authority is
8 empowered to withhold rate approval or a certificate of need for
9 any health care provider violating any provision of this article.

§33-15B-6. Citation of article.

1 This article may be known as the “Uniform Health Care
2 Administration Act.”
That Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 46th
day of April, 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/14/10
Time 3:57 PM