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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4776

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



Passed March 10, 2000

In Effect Ninety Days from Passage

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H. B. 4776

(BY DELEGATES DOUGLAS, KUHN, FLANIGAN, ANGOTTI,
MANCHIN, AZINGER AND STALNAKER)

[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.**

1 The Legislature hereby finds that there is a need to provide
2 guidelines regarding uniform health care administration in order
3 to best serve consumers, health care providers and insurers and
4 to organize and streamline the claims process. The purpose of
5 this article is to require the transfer of the authority of the
6 insurance commissioner to develop standard forms and proce-
7 dures regarding health care claims and to require that all
8 insurers, third party providers, and health care providers
9 implement and use such standards in a uniform manner to the
10 West Virginia health care authority. The West Virginia health
11 care authority is responsible for coordinating and overseeing the
12 health data collection in West Virginia and coordinating
13 database development, analysis and reporting to facilitate cost
14 management, utilization review, and quality assurance efforts
15 by state payors and regulatory agencies, insurers, consumers,
16 providers, and other interested parties. The Legislature finds
17 that the West Virginia health care authority is the appropriate
18 agency to oversee the development of standard forms and
19 procedures regarding health care claims. Thus, the Legislature
20 hereby transfers the responsibilities to develop standard forms
21 and procedures regarding health care claims and all other
22 requirements and procedures under this article to the West
23 Virginia health care authority.

§33-15B-2. Scope of article.

1 The provisions of this article apply to all health care
2 providers in the state, including but not limited to, all insurers
3 writing or issuing accident and sickness policies; hospital
4 service corporations; health service corporations; medical
5 service corporations; dental service corporations; all third party
6 providers; all state agencies and departments, including, but not
7 limited to, the public employees insurance agency, workers'

8 compensation insurance, and providers of services under
9 medicare and medicaid.

**§33-15B-3. Health care authority to promulgate rules; use of
standardized forms and classifications; advisory
group.**

1 (a) The West Virginia health care authority shall promul-
2 gate legislative rules in accordance with the provisions of
3 chapter twenty-nine-a of this code regarding the implementa-
4 tion and use of uniform health care administrative forms. Such
5 rules shall establish, where practicable, the acceptance and use
6 throughout the health care system of standard administrative
7 forms, terms or procedures, including, but not limited to, the
8 following:

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

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

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

24 (4) Consideration of current practices involving reimburse-
25 ment of claims and explanation of benefits, and the implemen-
26 tation of standards and guidelines regarding explanation of

27 benefits, including, but not limited to, consideration of line item
28 explanations of payments or denial of payments.

29 (b) The legislative rules required herein shall be developed
30 by the West Virginia health care authority with the advice of an
31 advisory group to be appointed by the board of the West
32 Virginia health care authority. Such advisory group shall
33 consist of representatives of consumers, providers, payors, and
34 regulatory agencies, including representatives from the follow-
35 ing: the office of the insurance commissioner; the West
36 Virginia health care authority; West Virginia dental association;
37 West Virginia pharmacists association; the West Virginia
38 hospital association; commercial health insurers; third party
39 administrators; the West Virginia state medical association; the
40 West Virginia nurses association; public employees insurance
41 agency; workers compensation commission; and consumers.
42 The West Virginia health care authority shall form such
43 advisory group after the effective date of this section.

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

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

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

6 (b) This section shall not limit the right of any insurer, third
7 party provider, state agency or department to require additional
8 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

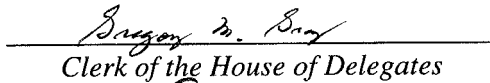

Chairman Senate Committee

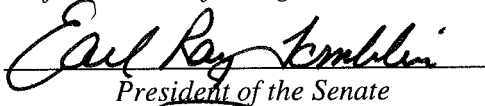

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

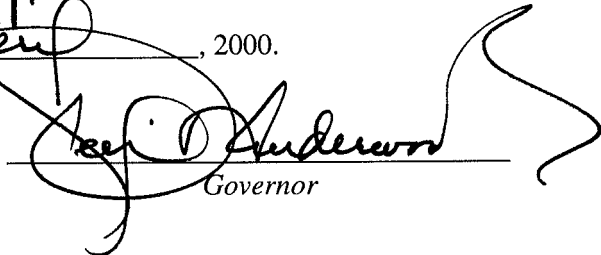

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 4th
day of April, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/10

Time 3:50p