

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4136

(By Delegates Douglas, Kuhn, Butcher, Flanigan,
Manchin, Border and Walters)



Passed February 20, 2002

In Effect Ninety Days from Passage

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2002 MAR -4 P 5:38

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E N R O L L E D

H. B. 4136

(BY DELEGATES DOUGLAS, KUHN, BUTCHER, FLANIGAN,
MANCHIN, BORDER AND WALTERS)

(Originating in the Committee on Government Organization)

[Passed February 20, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections three and twenty-seven, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuation of the public employees insurance agency; deleting outdated language concerning advisory board; deleting severability clause.

Be it enacted by the Legislature of West Virginia:

That sections three and twenty-seven, 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. Composition of public employees insurance agency; 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.

1 (a) The public employees insurance agency consists of the
2 director, the finance board, the advisory board and any employ-
3 ees who may be authorized by law. The director shall be
4 appointed by the governor, with the advice and consent of the
5 Senate. He or she shall serve at the will and pleasure of the
6 governor, unless earlier removed from office for cause as
7 provided by law. The director shall have at least three years
8 experience in health insurance administration prior to appoint-
9 ment as director. The director shall receive actual expenses
10 incurred in the performance of official business. The director
11 shall employ such administrative, technical and clerical
12 employees that are required for the proper administration of the
13 insurance programs provided for in this article. The director
14 shall perform the duties that are required of him or her under
15 the provisions of this article and is the chief administrative
16 officer of the public employees insurance agency. The director
17 may employ a deputy director.

18 (b) All positions in the agency, except for the director, his
19 or her personal secretary, the deputy director and the chief
20 financial officer shall be included in the classified service of the
21 civil service system pursuant to article six, chapter twenty-nine
22 of this code. Any person required to be included in the classi-
23 fied service by the provisions of this subsection who was
24 employed in any of the positions included in this subsection on
25 or after the effective date of this article shall not be required to
26 take and pass qualifying or competitive examinations upon or
27 as a condition to being added to the classified service: *Pro-*
28 *vided,* That no person required to be included in the classified

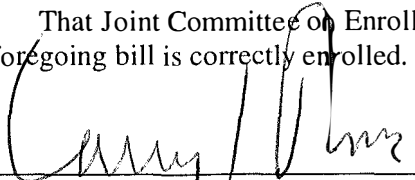
29 service by the provisions of this subsection who was employed
30 in any of the positions included in this subsection as of the
31 effective date of this section shall be thereafter severed,
32 removed or terminated in his or her employment prior to his or
33 her entry into the classified service except for cause as if the
34 person had been in the classified service when severed, re-
35 moved or terminated.

36 (c) The director is responsible for the administration and
37 management of the public employees insurance agency as
38 provided for in this article and in connection with his or her
39 responsibility may make all rules necessary to effectuate the
40 provisions of this article. Nothing in section four or five of this
41 article limits the director's ability to manage on a day-to-day
42 basis the group insurance plans required or authorized by this
43 article, including, but not limited to, administrative contracting,
44 studies, analyses and audits, eligibility determinations, utiliza-
45 tion management provisions and incentives, provider negotia-
46 tions, provider contracting and payment, designation of covered
47 and noncovered services, offering of additional coverage
48 options or cost containment incentives, pursuit of coordination
49 of benefits and subrogation, or any other actions which would
50 serve to implement the plan or plans designed by the finance
51 board.

§5-16-27. Continuation.

1 The public employees insurance agency shall continue to
2 exist, pursuant to article ten, chapter four of this code, until the
3 first day of July, two thousand three, unless sooner terminated,
4 continued or reestablished pursuant to the provisions of that
5 article.

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



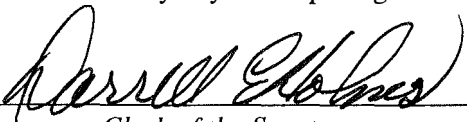
Chairman Senate Committee



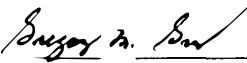
Chairman House Committee

Originating in the House.

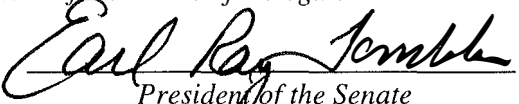
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 4th
day of March, 2002.



Governor

PRESENTED TO THE

GOVERNOR

Date 2/26/02

Time 4:25pm