WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED

Senate Bill No. 481

(By Senators Minard, Green, Helmick and McCabe)

[Passed April 11, 2009; in effect ninety days from passage.]
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Senate Bill No. 481

(BY SENATORS MINARD, GREEN, HELMICK AND MCCABE)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16-12a of the Code of West Virginia, 1931, as amended, relating to the requirement that employers provide reasonable documentation to the Director of the Public Employees Insurance Agency.

Be it enacted by the Legislature of West Virginia:

That §5-16-12a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-12a. Inspections; violations and penalties.

1 (a) Employers participating in any of the Public Employees Insurance Agency plans shall provide, to the director, upon request, all documentation reasonably required for the director to discharge the responsibilities under this article. This documentation shall include employment records sufficient to verify actual full-time employment of the employer's employees who participate in the Public Employees Insurance Agency plans.

9 (b) Upon a determination of the director or his or her designated representative that there is probable cause to
believe that fraud, abuse or other illegal activities involving transactions with the agency has occurred, the director or his or her designated representative is authorized to refer the alleged violations to the Insurance Commissioner for investigation and, if appropriate, prosecution, pursuant to article forty-one, chapter thirty-three of this code. For purposes of this section, “transactions with the agency” includes, but is not limited to, application by any insured or dependent, any employer or any type of health care provider for payment to be made to that person or any third party by the agency.

(c) Any person who violates any provision of this article for which no other penalty is specifically provided is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine of not less than $100 but not more than $500, or imprisonment for a period of not less than twenty-four hours but not more than fifteen days, or both.
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 approved this the Day of 2009.

Governor
PRESENTED TO THE GOVERNOR

MAY 7 2009

Time 11:15