WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Enrolled
Committee Substitute
for
Senate Bill 568

BY SENATOR ROBERTS

[Passed March 12, 2022; in effect 90 days from passage]
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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-3c; to amend said code by adding thereto a new section, designated §33-24-6a; to amend said code by adding thereto a new section, designated §33-25-10a; and to amend said code by adding thereto a new section, designated §33-25A-7b, all relating to health insurance loss ratio information; defining term; and requiring disclosure of loss ratio information upon request.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3c. Loss ratio.
1 If an insurer considers a loss ratio at the time of renewal of a policy, the insurer shall, upon request of an insured, provide the loss ratio and the components of the loss ratio calculation to the insured no more than 90 days but no less than 60 days before the renewal date of the policy.
2 For purposes of this section, “loss ratio” means the total losses paid out in medical claims divided by the total earned premiums.
3 Medical claims do not include dental only or vision only coverage.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS.

§33-24-6a. Loss ratio.
1 If a corporation utilizes a group’s loss ratio as a rating factor at the time of renewal of a policy, plan, or contract, the corporation shall, upon request of an insured or subscriber, provide the loss ratio and the components of the loss ratio calculation to the insured or subscriber no more than 90 days but no less than 60 days before the renewal date of the policy, plan, or contract.
2 For purposes of this section, “loss ratio” means the total losses paid out in medical claims divided
by the total earned premiums: *Provided*, That that the requirements of this section do not apply
to a dental service corporation as that term is defined in this article.

**ARTICLE 25. HEALTH CARE CORPORATIONS.**

§33-25-10a. Loss ratio.

If a corporation considers a loss ratio at the time of renewal of a policy, plan, or contract,
the corporation shall, upon request of a subscriber, provide the loss ratio and the components of
the loss ratio calculation to the subscriber no more than 90 days but no less than 60 days before
the renewal date of the policy, plan, or contract. For purposes of this section, “loss ratio” means
the total losses paid out in medical claims divided by the total earned premiums.

Medical claims do not include dental only or vision only coverage.

**ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

§33-25A-7b. Loss ratio.

If a health maintenance organization considers a loss ratio at the time of renewal of a
policy, plan, or contract, the health maintenance organization shall, upon request of a subscriber,
provide the loss ratio and the components of the loss ratio calculation to the subscriber no more
than 90 days but no less than 60 days before the renewal date of the policy, plan, or contract. For
purposes of this section, “loss ratio” means the total losses paid out in medical claims divided by
the total earned premiums: *Provided, However*, that medical claims do not include dental only or
vision only coverage. For purposes of this section, “subscriber” does not include a subscriber or
beneficiary of any policy, plan, or contract approved by the Bureau of Medical Services of the
Department of Health and Human Resources and entered into by a health maintenance
organization with Medicaid or the Children's Health Insurance Program.
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 90 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 28th Day of March 2022.

Governor