

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

**Enrolled**

### **Senate Bill 241**

BY SENATORS AZINGER, WOELFEL, AND PLYMALE

[Passed February 9, 2023; in effect from passage]

FILED

2023 FEB 17 P 1:20

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SB 241

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1 AN ACT to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating  
2 to patient brokering; requiring a state agency to regulate patient brokering; and requiring  
3 the development of a tool to facilitate complaints.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 62. THE PATIENT BROKERING ACT.**

**§16-62-2. Patient brokering prohibited.**

1 (a) It is unlawful for any person, including any health care provider or health care facility,  
2 to:

3 (1) Offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or  
4 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to  
5 induce the referral of a patient or patronage to or from a health care provider or health care facility;

6 (2) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or  
7 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in  
8 return for referring a patient or patronage to or from a health care provider or health care facility;

9 (3) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or  
10 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in  
11 return for the acceptance or acknowledgment of treatment from a health care provider or health  
12 care facility;

13 (4) Aid, abet, advise, or otherwise participate in the conduct prohibited under this  
14 subsection; or

15 (5) Engage in any of the unlawful acts provided for in this subsection in regard to a  
16 recovery residence as defined in §16-59-1 of this code.

17 (b) *Penalties.* –

18 (1) Any person who violates the provisions of subsection (a) of this section is guilty of a  
19 felony and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned in a state

20 correctional facility for not less than one year nor more than five years, or both fined and  
21 imprisoned.

22 (2) Notwithstanding the provisions of subdivision (1) of this section, any person who  
23 violates subsection (a) of this section, where the prohibited conduct involves 10 or more patients,  
24 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000, or  
25 imprisoned in a state correctional facility not less than two years nor more than five years, or both  
26 fined and imprisoned.

27 (c) The Office of the Inspector General shall develop a tool that facilitates the submission  
28 of complaints. The Office of the Inspector General shall investigate complaints and enforce the  
29 provisions of this article.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

*Joe Lamm*  
Clerk of the Senate

*Steve Anwar*  
Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

FILED  
2023 FEB 17 P 1:20  
OFFICE OF THE GOVERNOR  
SECRETARY OF STATE

*G. P. Bell*  
President of the Senate

*Rob Hanson*  
Speaker of the House of Delegates

The within is *is approved* this the *17th*  
Day of *February* 2023.

*James K. Good*  
Governor

PRESENTED TO THE GOVERNOR

FEB 13 2023

Time 2:03 pm