WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Enrolled

Senate Bill 241

BY SENATORS AZINGER, WOELFEL, AND PLYMALE

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

Senate Bill 241

By Senators Azinger, Woelfel, and Plymale

[Passed February 9, 2023; in effect from passage]
AN ACT to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to patient brokering; requiring a state agency to regulate patient brokering; and requiring the development of a tool to facilitate complaints.

Be it enacted by the Legislature of West Virginia:

ARTICLE 62. THE PATIENT BROKERING ACT.


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

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

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

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

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

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

(b) Penalties. –

(1) Any person who violates the provisions of subsection (a) of this section is guilty of a felony and, upon conviction thereof, shall be fined not more than $50,000, or imprisoned in a state
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20 correctional facility for not less than one year nor more than five years, or both fined and
21 imprisoned.

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

(c) The Office of the Inspector General shall develop a tool that facilitates the submission
27 of complaints. The Office of the Inspector General shall investigate complaints and enforce the
28 provisions of this article.
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The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Clerk of the Senate

Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

FEB 13 2023

Time 2:03 pm