

West Virginia

West Virginia Insurance Commission
2019 Washington Street
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(304) 348-0610

Summary of Important Regulations

MEWA Regulations	No
TPA Regulations	No
Stop-Loss Regulations	No
UR Regulations	No

NAIC Model Laws and Regulation

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Health Insurance Reserves Model Regulation	W.Va. Regs. §§ 114-44-1 to 114-44-10	W.Va. Code § 33-7-7
Comprehensive Health Ins. Cost Containment Model Act	None	None
Standardized Health Claims Form Model Regulation	None	W.Va. Regs. §§ 114-16-1 to 114-16-7
Small Employer Health Insurance Availability Model Law	W.Va. Code §§ 33-15-2a to 33-15-2g; §§ 33-16D-1 to 33-16D-15	None
Model Regulation To Eliminate Unfair Sex Discrimination	None	None
Health Information Privacy Model Law	None	None
Preferred Provider Arrangements Model Law	None	None
Utilization Review Model Law	None	W.Va. Regs. §§ 114-51-1 o 114-51-4
Managed Care Plan Network Adequacy Model Law	None	None
Third Party Administrator Law	None	None

Model Newborn Children's Law	W.Va. Code § 33-6-32	None
Health Examination Benefits Availability Law	None	W.Va. Code §§ 33-15-15, 33-16-12, 33-16A-15, 33-25A-8c

NAIC Model Laws and Regulation

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Accident and Sickness Insurance Minimum Standards Model Law	W.Va. Code §§ 33-28-1 to 33-28-5; 33-28-6 to 33-28-7	None
Agents and Brokers Licensing Model Law	None	W.Va. Code §§ 33-12-1 to 33-12-28
MEWA Licensing Model Law	None	None
Managing General Agents Law	W.Va. Code §§ 33-37-1 to 33-37-7	None
Health Maintenance Organization Model Law	W.Va. Code §§ 33-25A-1 to 33-25A-35	None
Insurance Information and Privacy Protection Law	None	None
Unfair Trade Practices Law	W.Va. Code §§ 33-11-1 to 33-11-10	None
Model Regulation on Unfair Discrimination in Life and Health Insurance on the Basics of Physical or Mental Impairment	None	None
Model Regulation on Unfair Discrimination in Life and Health Insurance on the Basics of West Virginia	None	None

Total or Partial Blindness

NAIC Model Laws and Regulation

<u>Name of Model Law/Regulation</u>	<u>Model/Similar</u>	<u>Related</u>
Unfair Discrimination against Subjects of Domestic Abuse in Health Benefit Plans Model Law	None	W.Va. Code § 33-4-20
Unfair Claims Settlement Practices Law	W.Va. Code § 33-11-4	None
Improper Termination Practices Law	None	None
Employee Leasing Registration Model Law	None	None
Private Employer Workers' Compensation Group Self-Insurance Model Law	None	None
Public Employee Workers' Compensation Group Self-Insurance Model Law	None	None
Twenty Four Hour Coverage Pilot Project Model Law	None	None

State-Mandates

Benefits That Must Be Covered

- Alcoholism treatment
- Breast reconstruction
- Diabetic supplies, education
- Emergency services
- Infertility services and/or invitro fertilization
- Long term care
- Mental health, general
- Minimum maternity stays
- Rehabilitation services
- Well-child care

Benefits That Must Be Offered

- TMJ disorders

Persons Who Must Be Allowed Coverage

- Continuation/dependents
- Continuation/employees
- Newborns

Providers Who Must Be Covered

- Chiropractors
- Dentists
- Nurses
- Nurse (Anesthetists)
- Nurse Midwives
- Nurse Practitioners
- Nurse Psychiatric
- Optometrists
- Osteopaths
- Podiatrists

Coordination of Benefits

- Birthday Rule? Yes

- Divorced/Separated Rule? Yes
- Joint Custody Rule? Yes
- Active v. Inactive Rule? Yes
- Longer v. Shorter Rule? Yes
- Managed Care Rule? Yes
- COBRA Rule? Yes
- Preservation Rule? Yes

Patient's Bill of Rights Legislation

Yes

High Risk Health Pool

None

External Grievance System

Yes – all health care plans

Basis of Filing Grievance

Experimental and medical necessity

Status of Decision of Grievance Panel

Binding on both parties

Prompt Payment of Health Claim Requirement

Yes - 30 days electronic

- 40 days manually

MEWA Regulation

- Supplemental insurance coverage for continuation of care services, on a mandatory optional basis.
- On a mandatory optional basis, the treatment and diagnosis of temporomandibular joint disorder and craniomandibular disorder.
- Mammograms or pap smears for cancer screening or diagnostic purposes, whenever reimbursement for laboratory or X-ray services are covered, according to the following schedule: one baseline mammogram for women ages 35 through 39, a mammogram every two years for women ages 40-49, one more frequently based on the woman's physician recommendation; one mammogram, every year for women 50 and over; and a pap smear annually or more frequently based on the woman's physician recommendation for women 18 and over. The same deductibles, coinsurance, and other limitations may apply to mammograms or pap smears as to other covered services.
- The policy may provide for the payment of benefits or reimbursement of expenses for hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation, or insured employees or members, their spouses or children, or dependents living with them.
- Health care plans must provide notice whether the policy covers adult wellness benefits, including coverage for testing for breast cancer, prostate cancer, cervical cancer and diabetes.

MEWA Regulations

The state of West Virginia has sent a letter to all insurance agents in the state alerting them that they will be held personally liable if they market coverage by unlicensed companies. West Virginia has targeted MEWAs as a major problem area. The division of insurance has no jurisdiction over the trusts and associations, but can make agents who market the policies personally liable if the groups aren't licensed.

TPA Regulations

West Virginia does not regulate TPAs.

Stop-Loss Regulation

West Virginia is reported to require a \$25,000 minimum specific by Department *position*.

Utilization Review Regulations

Not regulated.

Miscellaneous

Small Group Reform

May offer basic policy without most mandates to employers who have not provided insurance to employees during the past 12 months.

MSA Legislation

Who May Establish	Individuals and dependents
Tax Treatment	Contributions and interest accruing in MSA to extent included in federal adjusted gross income, but not to exceed \$2,000 single, \$4,000 married
Policy Deductible	Not specified
Max. Annual Deposit	\$2,000 per individual, \$4,000 couple insurance and the remaining for the MSA
Non-Medical Withdrawals	10% withdrawal penalty prior to age 59 1/2
Eligible Medical Expenses	deemed income Tracks IRC §213

State Premium Taxes

Commercial insurers are taxed at 3%. Blue Cross and HMOs are not taxed.

Continuation of Coverage and Conversion of Benefits

West Virginia statute requires group health plans to allow individuals who are covered by a plan to continue coverage for up to 18 months if their coverage ends due to involuntary layoff. Individuals who elect to continue coverage must be granted the same coverage at the same group rate that they received before the layoff.

West Virginia law requires group health plans to allow covered employees and their dependents who lose coverage for any reason, including termination of the employer's plan as a whole, to convert to individual coverage without evidence of insurability. Conversion privileges are not extended to those who lost group coverage for failure to pay premiums or because their policy was terminated and replaced within 31 days.

Registration of Self-Funded Plans

A self-funded employee welfare fund covering West Virginia residents must comply with a variety of registration and reporting requirements unless the state requirements are preempted by federal.

