

SB 632

FILED

2009 MAY -8 PM 3:41

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 632

(BY SENATOR PREZIOSO)

[Passed April 8, 2009; in effect ninety days from passage.]

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AN ACT to amend and reenact §9-5-11b of the Code of West Virginia, 1931, as amended, relating to requiring insurers to share information with the Bureau for Medical Services with regard to services provided to an individual during a period of coverage with another insurer.

Be it enacted by the Legislature of West Virginia:

That §9-5-11b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-11b. Release of information.

- 1 (a) All recipients of medical assistance under the
- 2 Medicaid program are considered to have authorized all
- 3 third parties, including, but not limited to, insurance
- 4 companies and providers of medical care, to release to the
- 5 Department of Health and Human Resources information
- 6 needed by the department to secure or enforce its rights as
- 7 assignee under this chapter.

8 (b) As a condition of doing business in the state, health
9 insurers, including self-insured plans, group health plans
10 as defined in §6074(a) of the Employee Retirement Income
11 Security Act of 1974, service benefit plans, third-party
12 administrators, managed care organizations, pharmacy
13 benefit managers or other parties that are by statute,
14 contract or agreement, legally responsible for payment of
15 a claim for a health care item or service are required to
16 comply with the following:

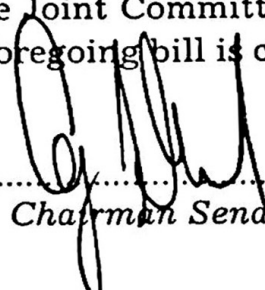
17 (1) Upon the request of the Bureau for Medical Services,
18 or its contractor, provide information to determine the
19 period that the service recipients, their spouse or depend-
20 ents may be or may have been covered by the health
21 insurer, including the nature of the coverage that is or was
22 provided by the health insurer, the name, address, date of
23 birth, Social Security number, group number, identifying
24 number of the plan, and effective and termination dates.
25 The information shall be provided in a format suitable for
26 electronic data matches, conducted under the direction of
27 the Department of Health and Human Resources, no less
28 than monthly or as prescribed by the secretary. The health
29 insurer must respond within sixty working days after
30 receipt of a written request for enrollment data from the
31 department or its contractor;

32 (2) Accept the right of the Bureau for Medical Services
33 of recovery and the assignment to the state of any right of
34 an individual or other entity to payment from the party for
35 an item or service for which payment has been made by
36 the Bureau for Medical Services;

37 (3) Respond to any inquiry by the Bureau for Medical
38 Services regarding a claim for payment for any health care
39 item or service that is submitted not later than three years
40 after the date of the provision of the health care item or
41 service; and

42 (4) Accept a claim submitted by the Bureau for Medical
43 Services regardless of the date of submission of the claim,
44 the type or format of the claim form, lack of preauthori-
45 zation or the failure to present proper documentation at
46 the point-of-sale that is the basis of the claim: *Provided*,
47 That the claim is submitted by the Bureau for Medical
48 Services within the three-year period beginning on the
49 date on which the item or service was furnished and any
50 action by the Bureau for Medical Services to enforce its
51 right with respect to the claim is commenced within six
52 years of the Bureau for Medical Services' submission of
53 the claim.

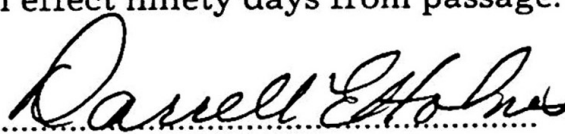
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

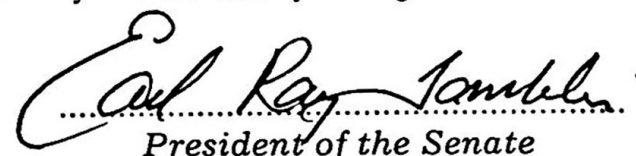

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is appended this the 26
Day of May, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 6 2009

Time 11:00am