

H. B. 2801

(By Delegates J. Miller, Cowles, Walters,  
C. Miller, Andes, Armstead and Sobonya)

[Introduced January 24, 2011; referred to the  
Committee on Banking and Insurance then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §33-44-14, relating  
to creating the "Health Care Choice Act"; and enabling  
insurers authorized to sell insurance coverage in selected  
states to engage in the business of insurance in West  
Virginia.

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

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §33-44-14, to read as  
follows:

**ARTICLE 44. UNAUTHORIZED INSURERS ACT.**

**§33-44-14. The sale of insurance by insurers licensed in  
selective states.**

(a) This section may be cited as the "Health Care Choice Act".

(b) The West Virginia Legislature recognizes the need for  
individuals, employers and other purchasers of health insurance

1 coverage in this state to have the opportunity to choose health  
2 insurance plans that are more affordable and flexible than existing  
3 market policies offering accident and sickness insurance coverage.  
4 Therefore, the West Virginia Legislature seeks to increase the  
5 availability of health insurance coverage by allowing insurers  
6 authorized to engage in the business of insurance in Kentucky,  
7 Ohio, Maryland, Pennsylvania and Virginia to issue accident and  
8 sickness policies in West Virginia.

9 (c) The selected out-of-state insurers may not be required to  
10 offer or provide state-mandated health benefits required by West  
11 Virginia law or regulations in health insurance policies sold to  
12 West Virginia residents.

13 (d) Each written application for participation in an out-of-  
14 state health benefit plan shall contain the following language in  
15 boldface type at the beginning of the document:

16 "This policy is primarily governed by the laws of {insert  
17 state where the master policy is filed}; therefore, all of the  
18 rating laws applicable to policies filed in West Virginia do not  
19 apply to this policy, which may result in increases in your premium  
20 at renewal that would not be permissible in a West Virginia-  
21 approved policy. Any purchase of individual health insurance  
22 should be considered carefully since future medical conditions may  
23 make it impossible to qualify for another individual health policy.  
24 For information concerning individual health coverage under a West

1 Virginia-approved policy, please consult your insurance agent or  
2 the West Virginia Insurance Commissioner.”

3 (e) Each out-of-state health benefit plan shall contain the  
4 following language in boldface type at the beginning of the  
5 document:

6 “The benefits of this policy providing your coverage are  
7 governed primarily by the laws of a state other than West Virginia.  
8 While this health benefit plan may provide you a more affordable  
9 health insurance policy, it may also provide fewer health benefits  
10 than those normally included as state mandated health benefits in  
11 policies in West Virginia. Please consult your insurance agent to  
12 determine which state-mandated health benefits are excluded under  
13 this policy.”

14 (f) The West Virginia Insurance Commissioner may conduct  
15 market conduct and solvency examinations of all out-of-state  
16 companies seeking to offer health benefit plans in this state or  
17 who have been given approval to offer health benefit plans in this  
18 state. These examinations shall be conducted in the same manner  
19 and under the same terms and conditions as for companies located in  
20 this state.

21 (g) The West Virginia Insurance Commissioner shall adopt rules  
22 necessary to implement this section, including but not limited to,  
23 determining which health insurance companies located in other  
24 states are authorized to offer plans to West Virginia residents and

1 determining the manner of approving the health benefit plans  
2 offered by these companies.

NOTE: The purpose of this bill is to create the "Health Care Choice Act" and to allow insurance providers in selected states the ability to engage in the practice of selling insurance in West Virginia.

This section is new; therefore, it has been completely underscored.