

1 **H. B. 2812**

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3 (By Delegates Walters, Varner and Michael)
4 [Introduced January 24, 2011; referred to the
5 Committee on Banking and Insurance then the Judiciary.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §33-16-18, relating
12 to requiring insurers issuing group accident and sickness
13 insurance policies to certain employers to furnish claims loss
14 experience to policyholders upon request of a policyholder;
15 and identifying the claims loss experience information to be
16 provided.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §33-16-18, to read as
20 follows:

21 **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

22 **§33-16-18. Claims loss experience to be furnished to certain**
23 **employer group accident and sickness policyholders.**

1 (a) In cases of employers providing group healthcare coverage
2 either insured or self-insured to fifty or more covered employees,
3 members or enrollees, not including dependents in the State of West
4 Virginia, all third party administrators and insurers shall furnish
5 to the employer within thirty days of the renewal date if
6 requested, the employer's claims loss experience.

7 (b) All insurers and third party administrators shall provide
8 the information annually to the employer group policyholder if
9 requested. The information shall include, but is not limited to:

10 (1) Earned premiums separated by policy year for at least the
11 last two years, if applicable;

12 (2) Total paid claims and total incurred claims, inclusive of
13 any high dollar or pooled claims, including both capitated and
14 noncapitated expenses set forth in the same manner as premiums;

15 (3) Any amount in excess of the individual pooling or stop
16 loss trigger point applicable to the group; and

17 (4) The claims loss information may not include any
18 information prohibited from disclosure by any applicable federal
19 law.

NOTE: The purpose of this bill is to require insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders upon request of a policyholder. It also identifies the claims loss experience information to be provided.

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