

COMMITTEE SUBSTITUTE

FOR

**H. B. 2876**

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(BY DELEGATES PERRY, HARTMAN, WALTERS,  
HALL, REYNOLDS, ASHLEY AND AZINGER)

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(Originating in the Committee on Finance)  
[February 24, 2011]

A BILL to amend and reenact §33-48-7b of the Code of West Virginia, 1931, as amended, relating to expanding eligibility for subsidies to enrollees in the model health plan for uninsurable individuals; and providing for emergency and legislative rules.

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

That §33-48-7b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 48. MODEL HEALTH PLAN FOR UNINSURABLE  
INDIVIDUALS ACT.**

**§33-48-7b. Surplus available to subsidize premiums.**

1           Whenever the board determines that the account created  
2           pursuant to section seven-a of this article contains a surplus  
3           above those amounts necessary to provide fully for the  
4           expected costs of claims and other expenses listed in  
5           subsection (a), section seven of this article, the plan may use  
6           such surpluses to subsidize the premium of ~~certain low~~  
7           ~~income~~ enrollees whose eligibility shall be established by  
8           ~~legislative rule~~ with an annual average household income at  
9           or below four hundred percent of the federal poverty level.  
10          The board ~~shall~~ may propose emergency rules and shall  
11          propose rules for legislative approval in accordance with the  
12          provisions of article three, chapter twenty-nine-a of this code  
13          to establish eligibility criteria for enrollees ~~with low income~~  
14          who are eligible for premium subsidy pursuant to this section.