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H. B. 3073

(By Delegate Ellington, Canterbury, R. Smith,
Arvon, Border, Frich, Shott, Gearheart,
Azinger and A. Evans)

[Introduced March 22, 2013; referred to the
Committee on Health and Human Resources 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. 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

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

10 (c) The selected out-of-state insurers are required to offer
11 or provide state-mandated health benefits required by West Virginia
12 law or rules in health insurance policies sold to West Virginia
13 residents.

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

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

1 health policy. For information concerning individual health
2 coverage under a West Virginia-approved policy, please consult your
3 insurance agent or the West Virginia Insurance Commissioner."

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

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