WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2495

BY DELEGATES WESTFALL, WHITE, B. AND FRICH

[Introduced February 16, 2017; Referred

to the Committee on Banking and Insurance then the

Judiciary.]

1   A BILL to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended, relating

2   to restrictions on the disclosure of nonpublic personal information.

Be it enacted by the Legislature of West Virginia:

1   That §33-6F-1 of the Code of West Virginia, 1931, as amended, be amended and

2   reenacted to read as follows:

ARTICLE 6F. DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.

§33-6F-1. Privacy; rules.

1   (a) No person shall disclose any nonpublic personal information contrary to the provisions

2   of Title V of the Gramm-Leach-Bliley Act, Pub. L. 106-102 (1999).

3   (b) On or before July 1, 2001, the commissioner shall propose rules for legislative approval

4   in accordance with article twenty, chapter twenty-nine-a of this code necessary to carry out the

5   provisions of Title V of the Gramm-Leach-Bliley Act, Pub. L. 106-102 (1999) and this article.

6   (c) Medical records and medical billing records obtained by insurers in connection with

7   insurance claims or civil litigation shall be confidentially maintained by insurers in accordance with

8   state and federal law, including the provisions of Title 114, Series 57 of the Code of State Rules,

9   and no additional restrictions or conditions may be imposed that contradict or are inconsistent

10   with any applicable policy of insurance or the performance of insurance functions permitted or

11   authorized by state and federal law.

NOTE: The purpose of this bill is to ensure that medical records obtained by insurers in connection with insurance claims or civil litigation be maintained confidentially in accordance with state and federal law and that no additional restrictions or conditions may be imposed that contradict these laws.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.