

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

**House Bill 4761**

BY DELEGATE ROHRBACH

[Introduced February 15, 2022; referred to the  
Committee on Health and Human Resources]



1 A BILL to amend and reenact §33-4A-8 of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing the Secretary of the Department of Health and Human Resources to  
3 develop a submission procedures manual for the all-payer claims database and adopt the  
4 same as a procedural rule.

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

**ARTICLE 4A. ALL-PAYER CLAIMS DATABASE.**

**§33-4A-8. Rule-making authority.**

1 ~~(a)~~ (1) To effectuate the provisions of this article, the secretary and commissioner may  
2 propose joint rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*  
3 of this code as necessary to implement this article. Such rules may include, but are not limited to,  
4 the following:

5 ~~(a)~~ (1) Procedures for the collection, retention, use, and disclosure of data from the all-  
6 payer claims database (APCD), including procedures and safeguards to protect the privacy,  
7 integrity, confidentiality, and availability of any data;

8 ~~(b)~~ (2) Penalties against health care payers for violation of rules governing the submission  
9 of data, including a schedule of fines for failure to file data or to pay assessments;

10 ~~(c)~~ (3) Fees payable by users of the data and the process for a waiver or reduction of user  
11 fees. Any such fees shall be established at a level that, when considered together with other  
12 available funding sources, is deemed necessary to sustain the operation of the APCD;

13 ~~(d)~~ (4) A proposed time frame for the creation of the database;

14 ~~(e)~~ (5) Criteria for determining whether data collected, beyond the listed personal  
15 identifiers, is confidential clinical data, confidential financial data, or privileged medical  
16 information, and procedures to give affected providers and health care payers notice and  
17 opportunity to comment in response to requests for information that may be considered  
18 confidential or privileged;

19           ~~(f)~~ (6) Penalties, including fines and other administrative sanctions, that may be imposed  
20 by the commissioner for a health care payer's failure to comply with requirements of this article  
21 and rules adopted thereunder; and

22           ~~(g)~~ (7) Establishment of advisory boards to provide advice to the secretary with respect to  
23 the various functions of the APCD.

24           (b) The secretary may develop a submission procedures manual that sets forth the  
25 required data file format, data elements, code tables, edit specifications, thresholds required for  
26 a submission to be deemed complete, methods for submitting data, submission schedules, and  
27 other information associated with the data submitters' submission and reporting duties and may  
28 adopt the same as a procedural rule in accordance with §29A-3-1 et seq. of this code.

NOTE: The purpose of this bill is to authorize the Secretary of the Department of Health and Human Resources to develop a submission procedures manual and adopt the same as a procedural rule.

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