

SB 481

FILED

2009 MAY -8 PM 4: 55

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009



ENROLLED

Senate Bill No. 481

(BY SENATORS MINARD, GREEN, HELMICK AND McCABE)

[Passed April 11, 2009; in effect ninety days from passage.]

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 481

(BY SENATORS MINARD, GREEN, HELMICK AND MCCABE)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16-12a of the Code of West Virginia, 1931, as amended, relating to the requirement that employers provide reasonable documentation to the Director of the Public Employees Insurance Agency.

Be it enacted by the Legislature of West Virginia:

That §5-16-12a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-12a. Inspections; violations and penalties.

1 (a) Employers participating in any of the Public Em-
2 ployees Insurance Agency plans shall provide, to the
3 director, upon request, all documentation reasonably
4 required for the director to discharge the responsibilities
5 under this article. This documentation shall include
6 employment records sufficient to verify actual full-time
7 employment of the employer's employees who participate
8 in the Public Employees Insurance Agency plans.

9 (b) Upon a determination of the director or his or her
10 designated representative that there is probable cause to

11 believe that fraud, abuse or other illegal activities involv-
12 ing transactions with the agency has occurred, the director
13 or his or her designated representative is authorized to
14 refer the alleged violations to the Insurance Commissioner
15 for investigation and, if appropriate, prosecution, pursu-
16 ant to article forty-one, chapter thirty-three of this code.
17 For purposes of this section, "transactions with the
18 agency" includes, but is not limited to, application by any
19 insured or dependent, any employer or any type of health
20 care provider for payment to be made to that person or
21 any third party by the agency.

22 (c) Any person who violates any provision of this article
23 for which no other penalty is specifically provided is guilty
24 of a misdemeanor and, upon conviction thereof, is subject
25 to a fine of not less than \$100 but not more than \$500, or
26 imprisonment for a period of not less than twenty-four
27 hours but not more than fifteen days, or both.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
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Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is appended* this the *5th*
Day of *May* , 2009.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 7 2009

Time 11:15 am