

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2486

BY DELEGATE WESTFALL

[Originating in the Committee on the Judiciary]

1 A BILL to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended; relating
2 to medical records and medical billing records obtained by insurers in connection with
3 insurance claims or civil litigation; providing that such records shall be confidentially
4 maintained by insurers in accordance with state and federal law, prohibiting restrictions
5 that may be imposed that contradict or are inconsistent with any applicable policy of
6 insurance or the performance of insurance functions permitted or authorized by state and
7 federal law; requiring the State Insurance Commissioner to review the provisions of Title
8 114, Series 57 of the Code of State Rules and to propose new rules or modify existing
9 rules to the extent deemed necessary.

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. The Insurance Commissioner shall review the provisions of
12 Title 114, Series 57 of the Code of State Rules and, to the extent determined necessary, shall

13 propose new rules or modify existing rules by December 31, 2017 to address:

14 (1) The circumstances under which an insurance company may disclose medical records
15 and medical billing records to other persons or entities;

16 (2) The circumstances under which personal identifying information of a person must be
17 redacted before that person's medical records or medical billing records may be disclosed to other
18 persons or entities;

19 (3) The steps an insurance company is required to undertake before medical records or
20 medical billing records are disclosed to other persons or entities to assure that any person or
21 entity to which an insurance company is disclosing a person's medical records or medical billing
22 records will be using such records only for purposes permitted by law; and,

23 (4) The implementation of the requirement that the insurance company has processes or
24 procedures in place to prevent the unauthorized access by its own employees to a person's
25 confidential medical records or medical billing records.

NOTE: The purpose of this bill is prohibit restrictions that contradict or are inconsistent with any applicable policy of insurance or the performance of insurance functions with respect to the receipt or use of medical records that are obtained by insurers in connection with insurance claims or civil litigation.

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