

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2005

BY DELEGATES D. JEFFRIES, B. WARD, ROHRBACH, G.

WARD, HOLSTEIN, WORRELL, SYPOLT, TULLY, SUMMERS,

PINSON AND BURKHAMMER

[Passed April 8, 2021; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §33-2-24, relating to health care costs generally; requiring the Insurance
3 Commissioner to enforce the applicable provisions of the No Surprises Act; permitting the
4 Insurance Commissioner to assess a fine for violation of the No Surprises Act; permitting
5 the Insurance Commissioner to seek administrative penalties for violations of the No
6 Surprises Act; permitting the Insurance Commissioner to seek assistance from any other
7 state government agency regarding regulatory enforcement; permitting the Insurance
8 Commissioner to use the Attorney General for legal assistance; permitting rulemaking;
9 and providing effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. INSURANCE COMMISSIONER.

**§33-2-24. Authority of Insurance Commissioner to enforce No Surprises Act;
administrative penalties; injunctive relief; regulatory assistance of other agencies;
rulemaking; effective date.**

1 (a) The Insurance Commissioner shall enforce the applicable provisions of the No
2 Surprises Act (H.R. 133, Public Law 116-260) against health insurers, medical providers, and
3 health care facilities.

4 (b) Whenever the Insurance Commissioner believes, from evidence satisfactory to him or
5 her, that any insurer, medical provider, or health care facility is violating the applicable provisions
6 of the No Surprises Act, the Commissioner may assess a fine, not to exceed \$10,000 per violation,
7 after notice and hearing pursuant to §33-2-13 of this code. In addition to the administrative
8 penalty available in this subsection, the Insurance Commissioner may cause a complaint to be
9 filed in the appropriate court of this state seeking to enjoin and restrain the insurer, medical
10 provider, or health care facility from continuing the violation or engaging therein or doing any act
11 in furtherance thereof.

12 (c) The Insurance Commissioner may, at his or her discretion, seek assistance from any
13 other state government agency regarding regulatory enforcement of this section against medical
14 providers or health care facilities. The Insurance Commissioner may also call upon the Attorney
15 General for legal assistance and representation as provided by law.

16 (d) The Insurance Commissioner may propose rules for legislative approval in
17 accordance with §29A-3-1 *et seq.* of this code to effectuate the provisions of this section.

18 (e) The provisions of this section shall become effective January 1, 2022.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2021.

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Governor