

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENGROSSED**

## **House Bill 2776**

BY DELEGATES WESTFALL AND L. PACK

[Introduced February 26, 2021; referred to the Committee on Health and  
Human Resources then the Judiciary]



1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a  
2 new article, designated §33-11B-1, §33-11B-2, §33-11B-3, §33-11B-4, §33-11B-5, §33-  
3 11B-6, and §33-11B-7, relating to the creation of the Air Ambulance Patient Protection  
4 Act, declaring that an air ambulance service provider who solicits air ambulance  
5 membership subscriptions, accepts membership applications, or charges membership  
6 fees, is an insurer and shall be regulated by the commissioner, including an air ambulance  
7 patient bill of rights, providing for certain patient disclosures and consumer protections  
8 regarding existing coverage for air ambulance services, out-of-pocket costs or cost-  
9 sharing, advising patients of his or her rights pursuant to Section 105 of the federal No  
10 Surprises Act, providing for rulemaking by the commissioner, and providing for severability  
11 and internal effective dates.

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

**ARTICLE 11B. WEST VIRGINIA AIR AMBULANCE PATIENT PROTECTION ACT.**

**§33-11B-1. Declaration of air ambulance membership products as insurance.**

1 (a) An air ambulance membership agreement or subscription for air ambulance services  
2 for which a fee is collected from a member or member entity and which a fee is received by an air  
3 ambulance provider or air ambulance network is insurance and may be considered secondary  
4 insurance coverage or a supplement to any insurance coverage, and shall be subject to regulation  
5 by the commissioner pursuant to the provisions of this chapter.

6 (b) No person or entity, whether directly or indirectly through an affiliated entity, agreement  
7 with a third party entity, or otherwise, may solicit or sell air ambulance membership agreements  
8 or subscriptions, accept membership applications, or charge membership fees except as  
9 authorized by a valid license or licenses issued by the commissioner pursuant to the provisions  
10 of this chapter.

11 (c) The commissioner may promulgate rules in accordance with chapter twenty-nine-a of  
12 this code to effectuate the provisions of this article.

- 13            (d) Except as otherwise expressly stated herein, the provisions of this section shall  
14 become effective on July 1, 2021.

NOTE: The purpose of this bill is to create the Air Ambulance Patient Protection Act and to provide for certain consumer protections for patients of air ambulance services. This legislation declares that any entity, whether directly or indirectly, who solicits air ambulance membership subscriptions, accepts membership applications, or charges membership fees, is an insurer and shall be licensed and regulated by the Offices of the Insurance Commissioner.

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