

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Introduced**

## **House Bill 2519**

**FISCAL  
NOTE**

By Delegates Foster, Smith, Horst, McGeehan,  
Phillips, Longanacre, Barnhart, Reynolds, Cooper,  
Jennings, and Worrell

[Introduced January 12, 2023; Referred to the  
Committee on Government Organization then  
Finance]

1 A BILL to amend and reenact §33-4A-1 of the Code of West Virginia, 1931, as amended; and to  
2 repeal §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of  
3 said code, all relating to termination of the All-payer Claims Database program; setting a  
4 date for termination of the program; terminating contracts with third-party vendors;  
5 requiring the safe deletion of data; and providing for the transfer of any remaining funds.

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

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

### **§33-4A-1. Definitions Termination of the All-payer Claims Database.**

1 ~~(a) "All-payer claims database" or "APCD" means the program authorized by this article~~  
2 ~~that collects, retains, uses, and discloses information concerning the claims and administrative~~  
3 ~~expenses of health care payers.~~

4 ~~(b) "Commissioner" means the West Virginia Insurance Commissioner.~~

5 ~~(c) "Data" means the data elements from enrollment and eligibility files, specified types of~~  
6 ~~claims, and reference files for data elements not maintained in formats consistent with national~~  
7 ~~coding standards.~~

8 ~~(d) "Health care payer" means any entity that pays or administers the payment of health~~  
9 ~~insurance claims or medical claims under workers' compensation insurance to providers in this~~  
10 ~~state, including workers' compensation insurers; accident and sickness insurers; nonprofit~~  
11 ~~hospital service corporations, medical service corporations, and dental service organizations;~~  
12 ~~nonprofit health service corporations; prepaid limited health service organizations; health~~  
13 ~~maintenance organizations; and government payers, including, but not limited to, Medicaid,~~  
14 ~~Medicare, and the Public Employees Insurance Agency; the term also includes any third-party~~  
15 ~~administrator, including any pharmacy benefits manager, that administers a fully funded plan:~~

16 A "health insurance claim" does not include:

17 (1) ~~Any claim paid under an individual or group policy providing coverage only for accident~~  
18 ~~or disability income insurance or any combination thereof; coverage issued as a supplement to~~

~~liability insurance; liability insurance, including general liability insurance and automobile liability;  
credit-only insurance; coverage for on-site medical clinics; other similar insurance coverage,  
which may be specified by rule, under which benefits for medical care are secondary or incidental  
to other insurance benefits; or~~

~~(2) Any of the following if provided under a separate policy, certificate, or contract of  
insurance: Limited scope dental or vision benefits; benefits for long-term care, nursing home care,  
home health care, community-based care, or any combination thereof; coverage for only a  
specified disease or illness; or hospital indemnity or other fixed indemnity insurance.~~

~~"Health insurance claims" shall only include information from Medicare supplemental  
policies if the same information is obtained with respect to Medicare.~~

~~(e) "Personal identifiers" means information relating to an individual member or insured  
that identifies, or can be used to identify, locate, or contact a particular individual member or  
insured, including, but not limited to, the individual's name, street address, Social Security  
number, e-mail address, and telephone number.~~

~~(f) "Secretary" means the Secretary of the West Virginia Department of Health and Human  
Resources.~~

~~(g) "Third-party administrator" has the same meaning ascribed to it in §33-46-2 of this  
code.~~

The program heretofore identified as the All-payer Claims Database shall terminate as of  
June 30, 2023. The secretary shall provide for the orderly shut down of all processes for transfer  
to, and receipt of information by, this database system and project. The secretary shall also  
decline to renew any third-party contracts relating to the collection, maintenance, storage, and  
archiving of the data in the Database, and shall cause all records to be purged from the Database  
according to standards promulgated by West Virginia State Privacy Office. Any amounts  
remaining in the West Virginia All-Payer Claims Database Fund on June 30, 2023, shall then be  
transferred to the state General Fund.

**§33-4A-2. Establishment and development of an all-payer claims database.**

1 [Repealed.]

**§33-4A-3. Powers of the secretary; exemption from purchasing rules.**

1 [Repealed.]

**§33-4A-4. Data subject to this article.**

1 [Repealed.]

**§33-4A-5. User fees; waiver.**

1 [Repealed.]

**§33-4A-6. Enforcement; injunctive relief.**

1 [Repealed.]

**§33-4A-7. Special revenue account created.**

1 [Repealed.]

**§33-4A-8. Rule-making authority.**

1 [Repealed.]

NOTE: The purpose of this bill is to provide for the orderly termination of the All-payer Claims Database program.

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