

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4809

By Delegates Hornby, Chiarelli, Willis, Pinson, and

Heckert

[Introduced January 16, 2024; Referred
to the Committee on Banking and Insurance then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §35-1B-1, §35-1B-2, §35-1B-3, §35-1B-4, §35-1B-5, and §35-1B-6, all relating
 3 to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health
 4 care sharing ministry from the state's insurance laws; providing definitions; providing that
 5 membership in a health care sharing ministry satisfies a requirement to have health care
 6 insurance by a public institution of higher education; and providing that a health care
 7 sharing ministry is not a third-party payer for any purposes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1B. HEALTH CARE SHARING MINISTRIES FREEDOM TO SHARE ACT.

§35-1B-1. Short title.

1 This article shall be known as the "Health Care Sharing Ministries Freedom to Share Act".

§35-1B-2. Exemption of Health Care Sharing Ministries from the Insurance Code.

1 A health care sharing ministry may not be considered to be engaging in the business of
 2 insurance for purposes of chapter 33 of this code.

§35-1B-3. Attorney General Investigations.

3 The Attorney General may investigate complaints or allegations against a health care
 4 sharing ministry, pursuant to such authority under the West Virginia Uniform Deceptive Trade
 5 Practices Act in §46A-6-101 et seq. of this code, and any other relevant authority of the Attorney
 6 General, including by requesting materials related to the complaint under investigation, including
 7 electronic materials of such health care sharing ministry that have been provided to members,
 8 prospective members or to the public that are necessary to carry out such investigation.

§35-1B-4. Definitions.

1 "Health care sharing ministry" means a non-profit organization that is tax exempt under the
 2 Internal Revenue Code which:

3 Submits to the Attorney General, by postal service or electronic mail, by the 1st of January
 4 of each calendar year, the following information, beyond which nothing further shall be required to

5 be submitted by such organization for the purpose of this section:

6 The legal name of the health care sharing ministry and any other names under which the
7 health care sharing ministry uses in the state;

8 The name, mailing address, phone number and electronic mail address of a person who
9 shall serve as the point of contact for the health care sharing ministry for the Attorney General;

10 A copy of the audited financial statements as described in paragraph (g); and

11 A copy of the notification provided to members and prospective members of the health
12 care sharing ministry, and to the public on all member application materials and sharing
13 guidelines, as described in paragraph (h);

14 (b) Limits its participants to those members who share a common set of ethical or religious
15 beliefs;

16 (c) Acts as a facilitator among participants who have financial or medical needs to assist
17 those with financial or medical needs in accordance with criteria established by the health care
18 sharing ministry;

19 (d) Provides for the financial or medical needs of a participant through contributions from
20 other participants.

21 (e) Provides amounts that participants may contribute with no assumption of risk or
22 promise to pay among the participants and no assumption of risk or promise to pay by the health
23 care sharing ministry to the participants;

24 (f) Provides to the participants monthly the total dollar amount of qualified needs actually
25 shared in the previous month in accordance with criteria established by the health care sharing
26 ministry;

27 (g) Conducts an annual audit which is performed by an independent certified public
28 accounting firm in accordance with generally accepted accounting principles and which is made
29 available to the public by providing a copy upon request, or by posting on the organization's
30 website; and

31 (h) Provides a written disclaimer on or accompanying all applications and guideline
 32 materials distributed by or on behalf of the organization that reads, in substance: "Notice: The
 33 organization facilitating the sharing of medical expenses is not an insurance company, and neither
 34 its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you
 35 with your medical bills will be totally voluntary because no other participant will be compelled by
 36 law to contribute toward your medical bills. As such, participation in the organization or a
 37 subscription to any of its documents should never be considered to be insurance. Regardless of
 38 whether you receive any payments for medical expenses or whether this organization continues to
 39 operate, you are always personally responsible for the payment of your own medical bills.
 40 Complaints concerning this health care sharing ministry may be reported to the Attorney General
 41 of your state."

§35-1B-5. Public Institutions of Higher Education.

1 If a public institution of higher education in this state requires a student to purchase health
 2 care insurance, the institution shall allow the student to satisfy this requirement through
 3 membership in a health care sharing ministry.

§35-1B-6. Third-party Payers.

1 Health Care Sharing Ministries may not be considered third-party payers for any purposes
 2 where the term "third Party Payer or Payers" occurs in any sections of law of this code, including
 3 financial assistance programs for hospitals, Medicaid, SCHIP, other safety net programs for health
 4 care, and chapter 33 of this code.

NOTE: The purpose of this bill is to create the "Health Care Sharing Ministries Freedom to Share Act". The bill exempts a health care sharing ministry from the state's insurance laws.

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