

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 632**

BY SENATORS DEEDS AND HELTON

[Reported March 27, 2025, from the Committee on  
Health and Human Resources]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding five new sections,  
2 designated §33-15-24, §33-16-20, §33-24-46, §33-25-23, and §33-25A-37, relating to  
3 surprise billing of out-of-network ambulance services; clarifying what is considered full  
4 payment to an ambulance service, what the rate of payment is, and the most an  
5 ambulance service can be paid; prohibiting billing an insured for additional costs except  
6 for fees the insurer required the insured to pay; providing procedure for payment; providing  
7 exceptions when the insurer does not have to pay within 30 days; and requiring written  
8 notices for denied claims.

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

## **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

### **§33-15-24. Prohibiting surprise billing of ground emergency medical services by nonparticipating providers.**

1 For a health insurance policy issued by an insurer on or after January 1, 2026:

2 (1) Payment by an insurer to a non-participating emergency medical services agency for  
3 covered ambulance services provided under the provisions of §16-4C-1 et seq. of this code,  
4 excluding air ambulance services as defined in §16-4C-3(a) of this code, to a covered enrollee in  
5 accordance with subsection (2) of this section:

6 (A) Shall be considered payment in full for the ambulance services provided, except for  
7 any copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires  
8 the covered enrollee to pay; and

9 (B) The non-participating emergency medical services agency is prohibited from billing the  
10 covered individual for any additional amount for the ambulance services provided, except for any  
11 copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires the  
12 covered enrollee to pay.

13 (2) The insurer shall provide direct payment to a non-participating emergency medical  
14 services agency for covered ground ambulance services provided to a covered individual:

15        (A) At the rate of 400 percent of the current published rate for ambulance services as  
16 established by the Centers for Medicare and Medicaid Services under Title XVIII of the federal  
17 Social Security Act, 42 U.S.C. 1395 *et seq.*, for the same ambulance services provided in the  
18 same geographic area; or

19        (B) According to the non-participating emergency medical services agency's billed  
20 charges, whichever is less.

21        (3) The copayment, coinsurance, deductible, and other cost-sharing amounts that an  
22 insurer requires a covered individual to pay in connection with ground ambulance services  
23 provided to the covered individual by a non-participating emergency medical services agency  
24 shall not exceed the copayment, coinsurance, deductible, and other cost-sharing amounts that  
25 the covered individual would be required to pay if the ambulance services had been provided to  
26 the covered individual by a participating emergency medical services agency.

27        (4) If an insurer receives a clean claim for ground ambulance services provided to a  
28 covered individual by a non-participating emergency medical services agency, the insurer shall  
29 remit payment for the ambulance services directly to the non-participating emergency medical  
30 services agency not more than 30 days after receiving a clean claim and shall not send payment  
31 to the covered individual.

32        (5) An insurer shall either pay or deny a clean claim for ground ambulance services  
33 provided to a covered individual by a non-participating emergency medical services agency within  
34 30 days of receipt of the claim, except in the following circumstances:

35        (A) Another payor or party is responsible for the claim;

36        (B) The insurer is coordinating benefits with another payor;

37        (C) The provider has already been paid for the claim;

38        (D) The claim was submitted fraudulently; or

39        (E) There was a material misrepresentation in the claim.

40       (6) If an insurer denies a claim for ground ambulance services provided to a covered  
41 individual by a non-participating emergency medical services agency, the insurer shall provide  
42 written notice that:

43       (A) Acknowledges the date of the receipt of the claim; and

44       (B) States that the insurer is declining to pay all or part of the claim and sets forth the  
45 specific reason or reasons for declining to pay the claim in full; or

46       (C) States that additional information is needed to determine whether all or part of the  
47 claim is payable and specifically describes the additional information that is needed.

## **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

### **§33-16-20. Prohibiting surprise billing of ground emergency medical services by non-participating providers.**

1       For a health insurance policy issued by an insurer on or after January 1, 2026:

2       (1) Payment by an insurer to a non-participating emergency medical services agency for  
3 covered ambulance services provided under the provisions of §16-4C-1 et seq. of this code,  
4 excluding air ambulance services as defined in §16-4C-3(a) of this code, to a covered enrollee in  
5 accordance with subsection (2) of this section:

6       (A) Shall be considered payment in full for the ambulance services provided, except for  
7 any copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires  
8 the covered enrollee to pay; and

9       (B) The non-participating emergency medical services agency is prohibited from billing the  
10 covered individual for any additional amount for the ambulance services provided, except for any  
11 copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires the  
12 covered enrollee to pay.

13       (2) The insurer shall provide direct payment to a non-participating emergency medical  
14 services agency for covered ground ambulance services provided to a covered individual:

15       (A) At the rate of 400 percent of the current published rate for ambulance services as  
16 established by the Centers for Medicare and Medicaid Services under Title XVIII of the federal  
17 Social Security Act, 42 U.S.C. 1395 *et seq.*, for the same ambulance services provided in the  
18 same geographic area; or

19       (B) According to the non-participating emergency medical service agency's billed charges,  
20 whichever is less.

21       (3) The copayment, coinsurance, deductible, and other cost-sharing amounts that an  
22 insurer requires a covered individual to pay in connection with ground ambulance services  
23 provided to the covered individual by a non-participating emergency medical services agency  
24 shall not exceed the copayment, coinsurance, deductible, and other cost-sharing amounts that  
25 the covered individual would be required to pay if the ambulance services had been provided to  
26 the covered individual by a participating emergency medical services agency.

27       (4) If an insurer receives a clean claim for ground ambulance services provided to a  
28 covered individual by a non-participating emergency medical services agency, the insurer shall  
29 remit payment for the ambulance services directly to the non-participating emergency medical  
30 services agency not more than 30 days after receiving a clean claim and shall not send payment  
31 to the covered individual.

32       (5) An insurer shall either pay or deny a clean claim for ground ambulance services  
33 provided to a covered individual by a non-participating emergency medical services agency within  
34 30 days of receipt of the claim, except in the following circumstances:

35       (A) Another payor or party is responsible for the claim;

36       (B) The insurer is coordinating benefits with another payor;

37       (C) The provider has already been paid for the claim;

38       (D) The claim was submitted fraudulently; or

39       (E) There was a material misrepresentation in the claim.

40       (6) If an insurer denies a claim for ground ambulance services provided to a covered  
41 individual by a non-participating emergency medical services agency, the insurer shall provide  
42 written notice that:

43       (A) Acknowledges the date of the receipt of the claim; and

44       (B) States that the insurer is declining to pay all or part of the claim and sets forth the  
45 specific reason or reasons for declining to pay the claim in full; or

46       (C) States that additional information is needed to determine whether all or part of the  
47 claim is payable and specifically describes the additional information that is needed.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE  
CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH  
SERVICE CORPORATIONS.**

**§33-24-46. Prohibiting surprise billing of ground emergency medical services by non-  
participating providers.**

1       For a health insurance policy issued by an insurer on or after January 1, 2026:

2       (1) Payment by an insurer to a non-participating emergency medical services agency for  
3 covered ambulance services provided under the provisions of §16-4C-1 et seq. of this code,  
4 excluding air ambulance services as defined in §16-4C-3(a) of this code, to a covered enrollee in  
5 accordance with subsection (2) of this section:

6       (A) Shall be considered payment in full for the ambulance services provided, except for  
7 any copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires  
8 the covered enrollee to pay; and

9       (B) The non-participating emergency medical services agency is prohibited from billing the  
10 covered individual for any additional amount for the ambulance services provided, except for any  
11 copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires the  
12 covered enrollee to pay.

(2) The insurer shall provide direct payment to a non-participating emergency medical services agency for covered ground ambulance services provided to a covered individual:

(A) At the rate of 400 percent of the current published rate for ambulance services as established by the Centers for Medicare and Medicaid Services under Title XVIII of the federal Social Security Act, 42 U.S.C. 1395 et seq., for the same ambulance services provided in the same geographic area; or

(B) According to the non-participating emergency medical service agency's billed charges, whichever is less.

(3) The copayment, coinsurance, deductible, and other cost-sharing amounts that an insurer requires a covered individual to pay in connection with ground ambulance services provided to the covered individual by a non-participating emergency medical services agency shall not exceed the copayment, coinsurance, deductible, and other cost-sharing amounts that the covered individual would be required to pay if the ambulance services had been provided to the covered individual by a participating emergency medical services agency.

(4) If an insurer receives a clean claim for ground ambulance services provided to a covered individual by a non-participating emergency medical services agency, the insurer shall remit payment for the ambulance services directly to the non-participating emergency medical services agency not more than 30 days after receiving a clean claim and shall not send payment to the covered individual.

(5) An insurer shall either pay or deny a clean claim for ground ambulance services provided to a covered individual by a non-participating emergency medical services agency within 30 days of receipt of the claim, except in the following circumstances:

(A) Another payor or party is responsible for the claim;

(B) The insurer is coordinating benefits with another payor;

(C) The provider has already been paid for the claim;

(D) The claim was submitted fraudulently; or



39           (E) There was a material misrepresentation in the claim.

40           (6) If an insurer denies a claim for ground ambulance services provided to a covered  
41 individual by a non-participating emergency medical services agency, the insurer shall provide  
42 written notice that:

43           (A) Acknowledges the date of the receipt of the claim; and

44           (B) States that the insurer is declining to pay all or part of the claim and sets forth the  
45 specific reason or reasons for declining to pay the claim in full; or

46           (C) States that additional information is needed to determine whether all or part of the  
47 claim is payable and specifically describes the additional information that is needed.

## **ARTICLE 25. HEALTH CARE CORPORATIONS.**

### **§33-25-23. Prohibiting surprise billing of ground emergency medical services by non-participating providers.**

1           For a health insurance policy issued by an insurer on or after January 1, 2026:

2           (1) Payment by an insurer to a non-participating emergency medical services agency for  
3 covered ambulance services provided under the provisions of §16-4C-1 et seq. of this code,  
4 excluding air ambulance services as defined in §16-4C-3(a) of this code, to a covered enrollee in  
5 accordance with subsection (2) of this section:

6           (A) Shall be considered payment in full for the ambulance services provided, except for  
7 any copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires  
8 the covered enrollee to pay; and

9           (B) The non-participating emergency medical services agency is prohibited from billing the  
10 covered individual for any additional amount for the ambulance services provided, except for any  
11 copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires the  
12 covered enrollee to pay.

13           (2) The insurer shall provide direct payment to a non-participating emergency medical  
14 services agency for covered ground ambulance services provided to a covered individual:

15        (A) At the rate of 400 percent of the current published rate for ambulance services as  
16 established by the Centers for Medicare and Medicaid Services under Title XVIII of the federal  
17 Social Security Act, 42 U.S.C. 1395 *et seq.*, for the same ambulance services provided in the  
18 same geographic area; or

19        (B) According to the non-participating emergency medical service agency's billed charges,  
20 whichever is less.

21        (3) The copayment, coinsurance, deductible, and other cost-sharing amounts that an  
22 insurer requires a covered individual to pay in connection with ground ambulance services  
23 provided to the covered individual by a nonparticipating emergency medical services agency shall  
24 not exceed the copayment, coinsurance, deductible, and other cost-sharing amounts that the  
25 covered individual would be required to pay if the ambulance services had been provided to the  
26 covered individual by a participating emergency medical services agency.

27        (4) If an insurer receives a clean claim for ground ambulance services provided to a  
28 covered individual by a non-participating emergency medical services agency, the insurer shall  
29 remit payment for the ambulance services directly to the nonparticipating emergency medical  
30 services agency not more than 30 days after receiving a clean claim and shall not send payment  
31 to the covered individual.

32        (5) An insurer shall either pay or deny a clean claim for ground ambulance services  
33 provided to a covered individual by a non-participating emergency medical services agency within  
34 30 days of receipt of the claim, except in the following circumstances:

35        (A) Another payor or party is responsible for the claim;

36        (B) The insurer is coordinating benefits with another payor;

37        (C) The provider has already been paid for the claim;

38        (D) The claim was submitted fraudulently; or

39        (E) There was a material misrepresentation in the claim.

40 (6) If an insurer denies a claim for ground ambulance services provided to a covered  
41 individual by a nonparticipating emergency medical services agency, the insurer shall provide  
42 written notice that:

43 (A) Acknowledges the date of the receipt of the claim; and

44 (B) States that the insurer is declining to pay all or part of the claim and sets forth the  
45 specific reason or reasons for declining to pay the claim in full; or

46 (C) States that additional information is needed to determine whether all or part of the  
47 claim is payable and specifically describes the additional information that is needed.

## **ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

### **§33-25A-37. Prohibiting surprise billing of ground emergency medical services by non-participating providers.**

1 (a) For a health insurance policy issued by an insurer on or after January 1, 2026:

2 (1) Payment by an insurer to a non-participating emergency medical services agency for  
3 covered ambulance services provided under the provisions of §16-4C-1 et seq. of this code,  
4 excluding air ambulance services as defined in §16-4C-3(a) of this code, to a covered enrollee in  
5 accordance with subsection (2) of this section:

6 (A) Shall be considered payment in full for the ambulance services provided, except for  
7 any copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires  
8 the covered enrollee to pay; and

9 (B) The non-participating emergency medical services agency is prohibited from billing the  
10 covered individual for any additional amount for the ambulance services provided, except for any  
11 copayment, coinsurance, deductible, and other cost-sharing amounts that the insurer requires the  
12 covered enrollee to pay.

13 (2) The insurer shall provide direct payment to a non-participating emergency medical  
14 services agency for covered ground ambulance services provided to a covered individual:

15       (A) At the rate of 400 percent of the current published rate for ambulance services as  
16 established by the Centers for Medicare and Medicaid Services under Title XVIII of the federal  
17 Social Security Act, 42 U.S.C. 1395 *et seq.*, for the same ambulance services provided in the  
18 same geographic area; or

19       (B) According to the non-participating emergency medical service agency's billed charges;  
20 whichever is less.

21       (3) The copayment, coinsurance, deductible, and other cost-sharing amounts that an  
22 insurer requires a covered individual to pay in connection with ground ambulance services  
23 provided to the covered individual by a non-participating emergency medical services agency  
24 shall not exceed the copayment, coinsurance, deductible, and other cost-sharing amounts that  
25 the covered individual would be required to pay if the ambulance services had been provided to  
26 the covered individual by a participating emergency medical services agency.

27       (4) If an insurer receives a clean claim for ground ambulance services provided to a  
28 covered individual by a non-participating emergency medical services agency, the insurer shall  
29 remit payment for the ambulance services directly to the non-participating emergency medical  
30 services agency not more than 30 days after receiving a clean claim and shall not send payment  
31 to the covered individual.

32       (5) An insurer shall either pay or deny a clean claim for ground ambulance services  
33 provided to a covered individual by a non-participating emergency medical services agency within  
34 30 days of receipt of the claim, except in the following circumstances:

35       (A) Another payor or party is responsible for the claim;

36       (B) The insurer is coordinating benefits with another payor;

37       (C) The provider has already been paid for the claim;

38       (D) The claim was submitted fraudulently; or

39       (E) There was a material misrepresentation in the claim.

40           (6) If an insurer denies a claim for ground ambulance services provided to a covered  
41 individual by a non-participating emergency medical services agency, the insurer shall provide  
42 written notice that:

43           (A) Acknowledges the date of the receipt of the claim; and

44           (B) States that the insurer is declining to pay all or part of the claim and sets forth the  
45 specific reason or reasons for declining to pay the claim in full; or

46           (C) States that additional information is needed to determine whether all or part of the  
47 claim is payable and specifically describes the additional information that is needed.

48           (b) This section shall not apply to insurers that have a contract with the Bureau for Medical  
49 Services relating to Medicaid or CHIP.