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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

HOUSE BILL No. 2654

(By Delegates *Jank, Fungale, Heck, Stiggins, & Winters,*
Walters and Willison)



Passed *April 7,* 1993

In Effect *July 1, 1993* Passage

ENROLLED

H. B. 2654

(By DELEGATES LOVE, FRAGALE, HECK, HIGGINS,
OLIVERIO, WALTERS AND WILLISON)

[Passed April 7, 1993; in effect July 1, 1993.]

AN ACT to amend and reenact section three, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the public employees insurance agency.

Be it enacted by the Legislature of West Virginia:

That section three, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§5-16-3. Public employees insurance agency continued; appointment, qualification, compensation and duties of director of agency; employees; civil service coverage; director vested after specified date with powers of public employees insurance board; expiration of agency.

1 (a) The public employees insurance agency, heretofore
2 created, is continued, and shall consist of the director,
3 the finance board, the advisory board and such em-
4 ployees as may be authorized by law. The director shall
5 be appointed by the governor, with the advice and
6 consent of the Senate. He or she shall serve at the will
7 and pleasure of the governor, unless earlier removed
8 from office for cause as provided by law. The director
9 shall have at least three years experience in health
10 insurance administration prior to appointment as
11 director. The director shall receive an annual salary

12 established by the governor not to exceed fifty-five
13 thousand dollars and actual expenses incurred in the
14 performance of official business. The director shall
15 employ such administrative, technical and clerical
16 employees as shall be required for the proper adminis-
17 tration of the insurance programs herein provided. The
18 director shall perform such duties as are required of
19 him or her under the provisions of this article and shall
20 be the chief administrative officer of the public
21 employees insurance agency.

22 (b) All positions in the agency, except for the director
23 and his or her personal secretary, shall be included in
24 the classified service of the civil service system pursuant
25 to article six, chapter twenty-nine of this code. Any
26 person required to be included in the classified service
27 by the provisions of this subsection who was employed
28 in any of the positions included herein on or after the
29 effective date of this article shall not be required to take
30 and pass qualifying or competitive examinations upon
31 or as a condition to being added to the classified service:
32 *Provided*, That no person required to be included in the
33 classified service by the provisions of this subsection
34 who was employed in any of the positions included
35 herein as of the effective date of this' section shall be
36 thereafter severed, removed or terminated in his or her
37 employment prior to his or her entry into the classified
38 service except for cause as if such person had been in
39 the classified service when severed, removed or
40 terminated.

41 (c) The director shall be responsible for the adminis-
42 tration and management of the public employees
43 insurance agency as provided for in this article and in
44 connection therewith shall have the power and authority
45 to make all rules and regulations necessary to effectuate
46 the provisions of this article. Nothing in sections four or
47 five of this article shall limit the director's ability to
48 manage on a day-to-day basis the group insurance plans
49 required or authorized by this article, including, but not
50 limited to, administrative contracting, studies, analyses
51 and audits, eligibility determinations, utilization
52 management provisions and incentives, provider nego-

53 tations, provider contracting and payment, designation
54 of covered and noncovered services, offering of addi-
55 tional coverage options or cost containment incentives,
56 pursuit of coordination of benefits and subrogation, or
57 any other actions which would serve to implement the
58 plan or plans designed by the finance board.

59 (d) The public employees insurance agency shall
60 terminate in the manner provided in section four, article
61 ten, chapter four of this code, on the first day of July,
62 one thousand nine hundred ninety-four, unless extended
63 by legislation enacted before the termination date.

[Handwritten signature]

[Faint handwritten text]

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

[Handwritten Signature]
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originating in the House.

Takes effect July 1, 1993.

Harrell P. Thomas
.....
Clerk of the Senate

Donald L. Stapp
.....
Clerk of the House of Delegates

Nellie Budick
.....
President of the Senate

[Handwritten Signature]
.....
Speaker of the House of Delegates

The within *is approved* this the *19th*
day of *April*, 1993.

Winston Clendon
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/93

Time 11:03 pm