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### WEST VIRGINIA LEGISLATURE

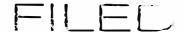
## SEVENTY-NINTH LEGISLATURE REGULAR SESSION, 2009

#### ENROLLED

### Senate Bill No. 481

(By Senators Minard, Green, Helmick and McCabe)

[Passed April 11, 2009; in effect ninety days from passage.]



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OFFICE WEST VINGINIA SECRETARY OF STATE

# ENROLLED Senate Bill No. 481

(By Senators Minard, Green, Helmick and McCabe)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16-12a of the Code of West Virginia, 1931, as amended, relating to the requirement that employers provide reasonable documentation to the Director of the Public Employees Insurance Agency.

Be it enacted by the Legislature of West Virginia:

That §5-16-12a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

#### ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

#### §5-16-12a. Inspections; violations and penalties.

- 1 (a) Employers participating in any of the Public Em-
- 2 ployees Insurance Agency plans shall provide, to the
- 3 director, upon request, all documentation reasonably
- 4 required for the director to discharge the responsibilities
- 5 under this article. This documentation shall include
- 6 employment records sufficient to verify actual full-time
- 7 employment of the employer's employees who participate
- 8 in the Public Employees Insurance Agency plans.
- 9 (b) Upon a determination of the director or his or her
- 10 designated representative that there is probable cause to

- 11 believe that fraud, abuse or other illegal activities involv-
- 12 ing transactions with the agency has occurred, the director
- 13 or his or her designated representative is authorized to
- 14 refer the alleged violations to the Insurance Commissioner
- 15 for investigation and, if appropriate, prosecution, pursu-
- 16 ant to article forty-one, chapter thirty-three of this code.
- 17 For purposes of this section, "transactions with the
- 18 agency" includes, but is not limited to, application by any
- 19 insured or dependent, any employer or any type of health
- 20 care provider for payment to be made to that person or
- 21 any third party by the agency.
- 22 (c) Any person who violates any provision of this article
- 23 for which no other penalty is specifically provided is guilty
- 24 of a misdemeanor and, upon conviction thereof, is subject
- 25 to a fine of not less than \$100 but not more than \$500, or
- 26 imprisonment for a period of not less than twenty-four
- 27 hours but not more than fifteen days, or both.

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