1	н. в. 2269
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3	(By Delegate Caputo)
4	[Introduced January 12, 2011; referred to the
5	Committee on Banking and Insurance then Government
6	Organization.]
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10	A BILL to amend and reenact $\$33-2-21$ of the Code of West Virginia,
11	1931, as amended, relating to giving the Insurance
12	Commissioner the power to regulate and penalize self-insured
13	employers.
14	Be it enacted by the Legislature of West Virginia:
15	That §33-2-21 of the Code of West Virginia, 1931, as amended,
16	be amended and reenacted to read as follows:
17	ARTICLE 2. INSURANCE COMMISSIONER.
18	§33-2-21. Authority of Insurance Commissioner to regulate Workers'
19	Compensation industry and self-insured employers;
20	authority of Insurance Commissioner to administer
21	chapter twenty-three of the Code of West Virginia.
22	(a) Upon the termination of the Workers' Compensation
23	Commission pursuant to chapter twenty-three of this code, the
24	powers and duties heretofore imposed upon the Workers' Compensation

- 1 Commission as they relate to general administration of the
- 2 provisions of said chapter are hereby transferred to and imposed
- 3 upon the Insurance Commissioner.
- 4 (b) Unless otherwise specified in chapter twenty-three of this
- 5 code, upon termination of the Workers' Compensation Commission, the
- 6 duties imposed upon the Workers' Compensation Commission as they
- 7 relate to the award and payment of disability and death benefits
- 8 and the review of claims in articles four and five of said that
- 9 chapter will be imposed upon the Employers Mutual Insurance Company
- 10 established pursuant to article two-c of said that chapter, a
- 11 private carrier offering Workers' Compensation insurance in this
- 12 state and self-insured employers. Whenever reference is made to
- 13 the Workers' Compensation Commissioner in those articles, the duty
- 14 prescribed shall apply to the Employers Mutual Insurance Company,
- 15 a private carrier or self-insured employer, as applicable.
- 16 (c) From the effective date of this enactment, the Insurance
- 17 Commissioner shall regulate all insurers licensed to transact
- 18 workers' compensation insurance in this state and all of the
- 19 provisions of this chapter shall apply to such insurers, unless
- 20 otherwise exempted by statute.
- 21 (d) Notwithstanding any contrary provisions of the code the
- 22 Insurance Commissioner shall regulate all self-insured employers in
- 23 this state and all of the provisions of this chapter shall apply to
- 24 such insurers from the effective date of this enactment. Upon

- 1 notice of noncompliance with a provision of this chapter by the
- 2 Insurance Commissioner, a self-insured employer shall have ninety
- 3 days to comply with a provision of this chapter. Thereafter, a
- 4 noncompliant self-insured employer shall be subject to the
- 5 penalties of section six, article eleven of this chapter.

NOTE: The purpose of this bill is to give the Insurance Commissioner the power to regulate and penalize self-insured employers in order to combat the practice of employers neglecting to pay benefits offered under their self-insured plans, resulting in unpaid medical bills which negatively impacts employees' credit ratings.

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