

1 **H. B. 2306**

2
3 (By Delegate Manchin)

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 §33-2-17 of the Code of West Virginia,
11 1931, as amended, relating to allowing the director to
12 participate in the review and consideration of any rate filing
13 made pursuant to chapter thirty-three.

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

15 That §33-2-17 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 2. INSURANCE COMMISSIONER.**

18 **§33-2-17. Office of Consumer Advocacy.**

19 (a) In addition to the authority established under the rules
20 promulgated by the director, the Office of Consumer Advocacy is
21 authorized to:

22 (1) Institute, intervene in, or otherwise participate in, as
23 an advocate for the public interest and the interests of insurance
24 consumers, proceedings in state and federal courts, before

1 administrative agencies or before the Health Care Authority,
2 concerning applications or proceedings before the Health Care
3 Authority or the review of any act, failure to act or order of the
4 Health Care Authority;

5 (2) At the request of one or more policyholders, or whenever
6 the public interest is served, to advocate the interests of those
7 policyholders in proceedings arising out of any filing made with
8 the Insurance Commissioner by any insurance company or relating to
9 any complaint alleging an unfair or deceptive act or practice in
10 the business of insurance;

11 (3) At the request of one or more third-party claimant who
12 does not have legal representation at a hearing on his or her
13 claim, or whenever the public interest is served, to advocate the
14 interests of those third-party claimants in proceedings arising out
15 of any filing made with the Insurance Commissioner by any insurance
16 company or relating to any third-party complaint alleging an unfair
17 claims settlement practice;

18 (4) Institute, intervene in or otherwise participate in, as an
19 advocate for the public interest and the interests of insurance
20 consumers, proceedings in state and federal courts, before
21 administrative agencies, or before the Insurance Commissioner,
22 concerning applications or proceedings before the commissioner or
23 the review of any act, failure to act or order of the Insurance
24 Commissioner;

1 (5) Review and compile information, data and studies of the
2 reasonable and customary rate schedules of health care providers
3 and health insurers for the purposes of reviewing, establishing,
4 investigating, or supporting any policy regarding health care
5 insurance rates;

6 (6) Exercise all the same rights and powers regarding
7 examination and cross-examination of witnesses, presentation of
8 evidence, rights of appeal and other matters as any party in
9 interest appearing before the Insurance Commissioner or the Health
10 Care Authority;

11 (7) Hire consultants, experts, lawyers, actuaries, economists,
12 statisticians, accountants, clerks, stenographers, support staff,
13 assistants and other personnel necessary to carry out the
14 provisions of this section and sections sixteen and eighteen of
15 this article, which personnel shall be paid from special revenue
16 funds appropriated for the use of the office;

17 (8) Contract for the services of technically qualified persons
18 in the area of insurance matters to assist in the preparation and
19 presentation of matters before the courts, the Insurance
20 Commissioner, administrative agencies or the Health Care Authority,
21 which persons shall be paid from special revenue funds appropriated
22 for the use of the office;

23 (9) Make recommendations to the Legislature concerning
24 legislation to assist the office in the performance of its duties;

1 (10) Communicate and exchange data and information with other
2 federal or state agencies, divisions, departments or officers and
3 with other interested parties, including, but not limited to,
4 health care providers, insurance companies, consumers or other
5 interested parties; and

6 (11) Perform other duties to effect the purposes of the
7 office.

8 (b) The provisions of this section do not apply to any filing
9 made by an insurance company, or act or order performed or issued
10 by the commissioner, or complaint filed by a policyholder with the
11 commissioner prior to June 30, 1991. All proceedings and orders in
12 connection with these prior matters shall be governed by the law in
13 effect at the time of the filing, or performance or issuance of the
14 act or order.

15 (c) This section allows the director to participate in the
16 review and consideration of any rate filing made pursuant to
17 chapter thirty-three.

18 ~~(c) Nothing in this section may be construed to authorize the~~
19 ~~Director to participate in the review and consideration of any rate~~
20 ~~filing made pursuant to this chapter.~~

NOTE: The purpose of this bill is to allow the director to participate in the review and consideration of any rate filing made pursuant to chapter thirty-three.

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