

ENROLLED

**Senate Bill No. 363**

(By Senator Cole (Mr. President))

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[Passed March 14, 2015; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2A-19b, relating to allowing the Court of Claims to establish maximum rates and service limitations for reimbursement of health care services; requiring rates to be filed with Joint Committee on Government and Finance; setting effective date for changes to rates and limitations; prohibiting payment from other sources, as well as claimants; and authorizing court to review claims.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §14-2A-19b, to read as follows:

**ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.**

**§14-2A-19b. Rates and limitations for health care services.**

1           The court may establish by court rule or court order maximum rates and service limitations  
2 for reimbursement of health care services rendered by a physician, hospital, or other health care  
3 provider. An informational copy of the maximum rates and service limitations shall be filed with  
4 the Joint Committee on Government and Finance upon adoption by the court. Any change in the  
5 maximum rates or service limitations shall be effective sixty days after the adoption of the changes.

1 A provider who accepts payment from the court for a service shall accept the court's rates as payment  
2 in full and may not accept any payment on account of the service from any other source if the total  
3 of payments accepted would exceed the maximum rate set by the court for that service. A provider  
4 may not charge a claimant for any difference between the cost of a service provided to a claimant  
5 and the court's payment for that service. To ensure service limitations are uniform and appropriate  
6 to the levels of treatment required by the claimant, the court may review all claims for these services  
7 as necessary to ensure their medical necessity.