

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4239

**FISCAL
NOTE**

BY DELEGATES ROHRBACH, ELLINGTON, SOBONYA,

QUEEN, SUMMERS, WHITE, CRISS AND HOLLEN

[Introduced January 22, 2018; Referred
to the Committee on Banking and Insurance then the
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §33-4-22, relating to regulating prior authorizations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. GENERAL PROVISIONS.

§33-4-22. Prior authorization.

1 (a) "Urgent care services" means a medical care or other service for a condition where
2 application of the timeframe for making routine or nonlife threatening care determinations is either
3 of the following:

4 (1) Could seriously jeopardize the life, health, or safety of the patient or others due to the
5 patient's psychological state; or

6 (2) In the opinion of a practitioner with knowledge of the patient's medical or behavioral
7 condition, would subject the patient to adverse health consequences without the care or treatment
8 that is the subject of the request.

9 (b) The Governor shall appoint a person who is knowledgeable in the creation of insurance
10 forms to lead a collaborative effort of the Public Employees Insurance Agency, managed care
11 organizations and private commercial insurers to develop universal prior authorization forms
12 accessible through either a computer program, email, app, or secure electronic transmission. The
13 appointee is responsible for the organization of the participants and the creation of the forms
14 approved by the participants. The forms shall include instructions for the universal submission of
15 clinical documentation, and provide an electronic notification confirming receipt of the prior
16 authorization request. The forms shall be prepared by October 1, 2018. The group may develop
17 no more than 8 forms differentiated by the type of service being requested.

18 (c) Public Employees Insurance Agency, managed care organizations and private
19 commercial insurers, shall accept electronic prior authorization requests and respond to the
20 request through electronic means by July 1, 2019.

21 (d) If the health care practitioner submits the request for prior authorization electronically,
22 the insurer or plan shall respond to the prior authorization request within 24 hours calendar day
23 for urgent care services, or 168 hours for any prior approval request that is not for an urgent care
24 service, from the time on the electronic receipt of the prior authorization request.

25 (e) If information submitted is considered incomplete, the health care practitioner shall
26 provide the additional information requested within 72 hours from the time the request is received
27 by the practitioner or the prior authorization is deemed denied and a new request must be
28 submitted.

29 (f) The Public Employees Insurance Agency, managed care organizations and private
30 commercial insurers shall make available on their websites information about the policies,
31 contracts, or agreements offered that clearly identifies specific services, drugs, or devices to
32 which a prior authorization requirement exists.

33 (g) A prior authorization approved by a managed care organization is carried over to all
34 other managed care organizations for three months, if the services are provided within the state.

35 (h) The Public Employees Insurance Agency, managed care organizations and private
36 commercial insurers shall use the Milliman standard to evaluate a prior authorization.

37 (i) Any provision of a contractual arrangement entered into between an insurer or plan and
38 a health care practitioner or beneficiary that is contrary to this section is unenforceable.

39 (j) This section is not applicable to submission of a prior authorization request through
40 telephone, mail, or fax.

NOTE: The purpose of this bill is to establish universal forms and establish deadlines when a prior authorization is submitted electronically.

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