

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 568**

BY SENATOR ROBERTS

[Passed March 12, 2022; in effect 90 days from passage]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §33-16-3c; to amend said code by adding thereto a new section, designated  
3 §33-24-6a; to amend said code by adding thereto a new section, designated §33-25-10a;  
4 and to amend said code by adding thereto a new section, designated §33-25A-7b, all  
5 relating to health insurance loss ratio information; defining term; and requiring disclosure  
6 of loss ratio information upon request.

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

**ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

**§33-16-3c. Loss ratio.**

1 If an insurer considers a loss ratio at the time of renewal of a policy, the insurer shall, upon  
2 request of an insured, provide the loss ratio and the components of the loss ratio calculation to  
3 the insured no more than 90 days but no less than 60 days before the renewal date of the policy.  
4 For purposes of this section, “loss ratio” means the total losses paid out in medical claims divided  
5 by the total earned premiums.

6 Medical claims do not include dental only or vision only coverage.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE  
CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH  
SERVICE CORPORATIONS.**

**§33-24-6a. Loss ratio.**

1 If a corporation utilizes a group’s loss ratio as a rating factor at the time of renewal of a  
2 policy, plan, or contract, the corporation shall, upon request of an insured or subscriber, provide  
3 the loss ratio and the components of the loss ratio calculation to the insured or subscriber no more  
4 than 90 days but no less than 60 days before the renewal date of the policy, plan, or contract.  
5 For purposes of this section, “loss ratio” means the total losses paid out in medical claims divided

6 by the total earned premiums: *Provided*, That that the requirements of this section do not apply  
7 to a dental service corporation as that term is defined in this article.

**ARTICLE 25. HEALTH CARE CORPORATIONS.**

**§33-25-10a. Loss ratio.**

1 If a corporation considers a loss ratio at the time of renewal of a policy, plan, or contract,  
2 the corporation shall, upon request of a subscriber, provide the loss ratio and the components of  
3 the loss ratio calculation to the subscriber no more than 90 days but no less than 60 days before  
4 the renewal date of the policy, plan, or contract. For purposes of this section, “loss ratio” means  
5 the total losses paid out in medical claims divided by the total earned premiums.

6 Medical claims do not include dental only or vision only coverage.

**ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

**§33-25A-7b. Loss ratio.**

1 If a health maintenance organization considers a loss ratio at the time of renewal of a  
2 policy, plan, or contract, the health maintenance organization shall, upon request of a subscriber,  
3 provide the loss ratio and the components of the loss ratio calculation to the subscriber no more  
4 than 90 days but no less than 60 days before the renewal date of the policy, plan, or contract. For  
5 purposes of this section, “loss ratio” means the total losses paid out in medical claims divided by  
6 the total earned premiums: *Provided, However*, that medical claims do not include dental only or  
7 vision only coverage. For purposes of this section, “subscriber” does not include a subscriber or  
8 beneficiary of any policy, plan, or contract approved by the Bureau of Medical Services of the  
9 Department of Health and Human Resources and entered into by a health maintenance  
10 organization with Medicaid or the Children’s Health Insurance Program.

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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*