

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5241

FISCAL  
NOTE

By Delegates Tully, Jennings, Mallow, DeVault, T.  
Clark, Warner, Dittman, Crouse, E. Pritt, Statler, and  
Dean

[Introduced January 26, 2024; Referred to the  
Committee on Banking and Insurance then the  
Judiciary]

1 A BILL to amend and reenact §33-2-3 of the Code of West Virginia, 1931, as amended, relating to  
 2 requiring the Insurance Commissioner to audit claims under the Public Employees  
 3 Insurance Act related to post-traumatic stress syndrome disorder PTSD claims for  
 4 evaluation, diagnosis, and treatment for first responders; and requiring annual reviews and  
 5 reports to the Interim Joint Health Committee, Interim Committee on PEIA and Insurance,  
 6 and the Interim Committee on Volunteer Fire Departments and Emergency Medical  
 7 Services.

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

**ARTICLE 2. INSURANCE COMMISSIONER.**

**§33-2-3. Duties of the commissioner; employment of legal counsel.**

1 (a) The commissioner shall enforce the provisions of this chapter and §48-2-15a of this  
 2 code and perform the duties required thereunder; shall affix the commissioner's official seal to all  
 3 documents and papers required to be filed in other states by domestic insurers and to other papers  
 4 when an official seal is required; and shall, on or before the 10th day of each month, pay into the  
 5 state Treasury all fees and moneys which he or she has received during the preceding calendar  
 6 month.

7 (b) Notwithstanding any provisions of this code to the contrary, the commissioner shall  
 8 audit and review claims under §5-16-1 et seq. of this code, related to evaluation, diagnosis, and  
 9 patient treatment for West Virginia first responders (meaning a law enforcement officer, paid  
 10 firefighter, emergency medical technician, paramedic, or emergency dispatcher); with post-  
 11 traumatic stress syndrome disorder (PTSD). The commissioner shall review claims: (1) for  
 12 diagnosed PTSD alone, and (2) dual diagnosis of PTSD, (3) and substance use disorder, and  
 13 dual diagnosis of PTSD, and (4) suicidal ideation.. The reviews shall be conducted annually and  
 14 reported to the Interim Joint Health Committee, Interim Committee on PEIA and Insurance, and  
 15 the Interim Committee on Volunteer Fire Departments and Emergency Medical Services. The  
 16 review shall assess wait time and or delay for in patient admission and treatment, and present data

17 to assess these patients' experience for prolonged boarding times in the emergency rooms waiting  
18 on admission or transfer to an appropriate bed and any denial of claims.

19 (c) Notwithstanding any provisions of this code to the contrary, the commissioner may  
20 acquire such legal services as are deemed necessary, including representation of the  
21 commissioner before any court or administrative body. Such counsel may be employed either on a  
22 salaried basis or on a reasonable fee basis. In addition, the commissioner may call upon the  
23 Attorney General for legal assistance and representation as provided by law.

NOTE: The purpose of this bill is to require the Insurance Commissioner to audit claims under the Public Employees Insurance Act related to post-traumatic stress syndrome disorder PTSD claims for evaluation, diagnosis, and treatment for first responders; conduct annual reviews and report to the Interim Joint Health Committee, Interim Committee on PEIA and Insurance, and the Interim Committee on Volunteer Fire Departments and Emergency Medical Services.

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