

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5241**

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

[Originating in the Committee on the Judiciary;

Reported on February 22, 2024]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5-16-33, relating to requiring the Insurance Commissioner to audit claims  
3 under the Public Employees Insurance Act related to post-traumatic stress disorder claims  
4 for first responders; and requiring annual reviews and reports to the Interim Joint Health  
5 Committee, Interim Committee on PEIA and Insurance, and the Interim Committee on  
6 Volunteer Fire Departments and Emergency Medical Services.

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

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

**§5-16-33. Audit of post-traumatic stress disorder claims made by first responders.**

1 (a) For purposes of this section, the following definitions apply:

2 (1) "Commissioner" means the Insurance Commissioner of this state;

3 (2) "First responder" means a law enforcement officer, paid firefighter, emergency medical  
4 technician, paramedic, or emergency dispatcher;

5 (3) "Pertinent claims" means insurance claims made by a first responder for the evaluation,  
6 diagnosis, or treatment of PTSD alone, dual diagnosis of PTSD and substance use disorder, and  
7 dual diagnosis of PTSD and suicidal ideation;

8 (4) "Pertinent services" means health care services and treatments of PTSD alone, dual  
9 diagnosis of PTSD and substance use disorder, and dual diagnosis of PTSD and suicidal ideation;

10 (4) "PTSD" means post-traumatic stress disorder;

11 (5) "Substance use disorder" means the same as that term is defined by the American  
12 Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition,  
13 and shall include substance use withdrawal.

14 (b) Beginning with the year 2024 and then annually thereafter, the commissioner shall  
15 audit and review pertinent claims made under this article and prepare a written report.

16 (c) The report shall include but not be limited to the following information:

17 (1) Data that demonstrates the total number of pertinent claims filed;

18           (2) Data that demonstrates the determinations regarding pertinent claims and includes the  
19 total number of adverse determinations for such claims;

20           (d) The reviews shall be reported annually to the Interim Joint Health Committee, Interim  
21 Committee on PEIA and Insurance, and the Interim Committee on Volunteer Fire Departments  
22 and Emergency Medical Services.

23           (e) The commissioner may adopt legislative rules to comply with the provisions of this  
24 section. These rules may specify the information and analyses that PEIA shall provide to the  
25 commissioner necessary for the commissioner to complete the report described in subsection (b)  
26 of this section and delineate the format in which PEIA shall submit such information and analyses.  
27 Any such rules or amendments to rules shall be proposed pursuant to the provisions of §29A-3-1  
28 et seq. of this code by July 1, 2024.

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 disorder 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.