

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Introduced**

## **House Bill 5310**

By Delegates Linville, Howell, Tully, Cannon,  
Summers, Rohrbach, Hanshaw (Mr. Speaker),  
Hornbuckle, Riley, and Mazzocchi

[Introduced January 29, 2024; Referred to the  
Committee on Technology and Infrastructure then  
Health and Human Resources]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §33-63-1, relating to the creation of the Remote Patient Outcome Improvement  
3 Act; providing for definitions; providing for a short title; creating definitions; and providing  
4 for utilization.

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

**ARTICLE 63. REMOTE PATIENT OUTCOME IMPROVEMENT ACT.**

**§33-63-1. Remote Patient Outcome Improvement Act.**

1 (a) Definitions.

2 "Health Insurer" is any entity providing "health insurance coverage" as that term is defined  
3 in §33-48-1 of this code;

4 "Internet Service Provider" is any person or entity who provides internet access to a  
5 consumer;

6 "Medical Provider" is any person or entity as that term is defined in §16-33-2 of this code;

7 "Patient" means a person receiving medical treatment;

8 "WLAN" means a Wireless Local Area Network which is a group of co-located computers  
9 or other devices that form a network based on radio transmissions rather than wired connections,  
10 all connected together in one physical location.

11 (b) Short title. – This article shall be known as the Remote Patient Outcome Improvement  
12 Act.

13 (c) Legislative Findings. – The Legislature of the State of West Virginia finds and declares  
14 that many emergency medical visits could have been prevented if providers had a means to  
15 identify trends in deteriorating vital signs and medical device data in real or near-real time.  
16 Accordingly, it is the policy of the state of West Virginia to further connectivity and facilitate a clear  
17 legal framework for Patients, Health Insurers, Medical Providers, and Internet Service Providers to  
18 facilitate connectivity and medical data review in real or near-real time. Therefore, to promote  
19 public wellness, diminish unnecessary costs for service, and improve outcomes for patients, the

20 Legislature of the State of West Virginia hereby seeks to improve remote patient statistical  
21 monitoring, most especially for those patients at greatest risk of emergent adverse health  
22 outcomes.

23 (d)(1) A Health Insurer or Medical Provider may elect to partner with an Internet Service  
24 Provider to build or subscribe to internet service at a Patient's home to facilitate the transmission  
25 and analysis of vital signs and medical device data in real or near-real time, if in the Health Insurer  
26 or Medical Provider's sole discretion, doing so would facilitate improved health outcomes for the  
27 Patient and a reduction in net costs for the care of that Patient. No data gathered or utilized in this  
28 way may be used to negatively impact the patient's costs or availability of services provided by the  
29 Health Insurer or the Medical Provider. A Patient may refuse such a subscription contemplated by  
30 this Act.

31 (2) If a Health Insurer or Medical Provider elects to subscribe to internet service to facilitate  
32 data transmission, an Internet Service Provider may share with the WLAN information, if any,  
33 maintained by the Internet Service Provider with the Health Insurer or Medical Provider. Health  
34 Insurers and Medical Providers may share the WLAN information with a medical device  
35 manufacturer, dealer, or distributor to facilitate preprogramming and any necessary  
36 troubleshooting for network connectivity. Each of these actions shall be free from liability, except  
37 as it relates to the Health Insurance Portability and Accountability Act of 1996 and any other  
38 federal law, rule or regulation.

39 (e) Utilization. – Each Health Insurer shall report utilization data to an employer in the case  
40 of employer sponsored health insurance coverage but shall not include data regarding any internet  
41 traffic.

NOTE: The purpose of this bill is to provide for the creation of the Remote Patient Outcome Improvement Act. The bill provides for definitions. The bill provides for a short title. The bill creates definitions. Finally, the bill provides for utilization.

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