



STATE OF WEST VIRGINIA

Offices of the Insurance Commissioner

Allan L. McVey
Insurance Commissioner

January 13, 2025

The Honorable Patrick J. Morrissey
Governor, State of West Virginia
Office of the Governor
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Governor Morrissey:

Pursuant to W.Va. Code §33-2-16 (d), I am pleased to submit the annual report on the activities of the Office of the Consumer Advocate at the WV Insurance Commission for calendar year 2024. Should you have any questions please contact me at 304-558-3864.

Respectfully,

Dennis V. Garrison III, Director
Office of the Consumer Advocate

DVG/vms

cc: Legislative Auditor (via post on Auditor's Agency Report site)
West Virginia Insurance Commissioner
Clerk of the Senate (via email senate.clerk@wvsenate.gov)
Clerk of the House of Delegates (via email house.clerk@wvhouse.gov)



West Virginia Office of Consumer Advocate Offices of the WV Insurance Commissioner 2024 Annual Report

To the Honorable Governor Patrick J. Morrisey:

The purpose of this Annual Report is to comply with W.Va. Code §33-2-16 (d) which reads:

(d) On or before the first day of each regular session of the Legislature, the Director [Office of Consumer Advocacy] shall file with the Governor, the Clerk of the Senate and the Clerk of the House of Delegates a report detailing the actions taken by the division in the preceding calendar year.

The Office of the Consumer Advocate is presently staffed with the Director, Attorney II and a Paralegal. There are vacancies in the Investigator, Nurse III and Financial Analyst positions.

Throughout the years, the Office of the Consumer Advocate has maintained a great working relationship with the West Virginia Offices of the Insurance Commissioner while still providing zealous representation for numerous West Virginia insurance consumers.

In 2024, the Office of Consumer Advocate served the interests of the West Virginia insurance consumer and fulfilled the expanded duties conferred upon the Office in the tort reform measures passed in 2005 in Senate Bill 418. A large portion of the Office of the Consumer Advocate's time and resources was devoted to first- and third-party administrative cases.

During 2024, the efforts of the Office of the Consumer Advocate on behalf of West Virginia insurance consumers yielded financial awards totaling \$165,994.24 which went directly

into the pocket of the consumer as well as several other important actions directly benefiting the West Virginia insurance consumer.

During the entirety of the undersigned's tenure, the Office of the Consumer Advocate has been involved in obtaining financial settlements totaling \$4,652,551.35 on behalf of West Virginia insurance consumers. These awards go directly into the pocket of the consumer. The Office of the Consumer Advocate is very proud of this accomplishment.

In the healthcare arena in 2024, the Office of the Consumer Advocate reviewed 34 Certificate of Need Applications. The Office of the Consumer Advocate was also previously charged with reviewing Rate Review Applications before the West Virginia Health Care Authority. After passage of SB 68, the WV Health Care Authority's ability to establish and regulate hospital rates ceased in 2017. As such, the Office of the Consumer Advocate did not review Rate Review Applications.

In the past, the Office of the Consumer Advocate along with other Departments in the WVOIC would attend a number of State festivals as a means of interacting with and disseminating information to West Virginia insurance consumers. The WVOIC opted not to attend any State festivals in 2024. The Office of the Consumer Advocate hopes that the WVOIC will be attending Conferences and State Festivals in 2025.

The Office of the Consumer Advocate participated in mandatory continuing legal education with a focus on insurance and consumer related education.

The Office of the Consumer Advocate kept abreast of any legislation that would affect West Virginia Consumers. When needed, representatives from the Office of the Consumer Advocate reviewed legislation and attended or watched via live web camera legislative hearings in both the House of Representatives and the Senate.

The Office of the Consumer Advocate also kept abreast of any cases before both the West Virginia Supreme Court of Appeals and the West Virginia Intermediate Court of Appeals regarding insurance law issues. The Consumer Advocate read any pertinent opinions and attended or watched via live web camera oral arguments at the Supreme Court and Intermediate Court when insurance related cases were on either Court's docket.

Finally, the Office of the Consumer Advocate maintained progress toward the ongoing goal of consumer outreach and education. The Office achieved progress by fielding hundreds of calls and contacts from consumers. These contacts were responded to directly and/or referred to the proper agency for response.

Representing Consumers in First and Third-Party Administrative Hearings

In 2024, the Office of the Consumer Advocate provided formal representation to insurance consumers in forty-nine (49) consumer complaints before the West Virginia Insurance Commission.

Twenty-Nine (29) of these consumer complaints were third party complaints, nineteen (19) of these consumer complaints were first party complaints and one (1) case was an appeal to the WV Intermediate Court of Appeals. First party complaints are complaints filed by a consumer against their own insurer, while third party complaints are complaints filed by a consumer against another person's insurer. In addition to formal representation, the Office of the Consumer Advocate assisted and advised hundreds of West Virginia consumers throughout the year, be it via email inquiries, telephonic inquiries, office visits, or other means. This assistance has directly benefited those consumers and in many cases has resolved the consumers' insurance issues or queries without requiring the filing of an actual consumer complaint with the WVOIC.

Whenever a case is received by the Office of the Consumer Advocate, it is evaluated carefully. A number of different things can occur at this time including, but not limited to; the

consumer can opt to not request representation; a consumer can request representation, but after careful review of the case the Office of the Consumer Advocate can decline to represent; the consumer can request representation and the Office of the Consumer Advocate can accept; or the Office of the Consumer Advocate can assist the consumer in deciding whether or not they want to obtain private counsel because the damages in the matter merit a civil lawsuit.

The Office of the Consumer Advocate is proud of the representation that it has provided to consumers. Further, the Office of the Consumer Advocate is also proud of the countless hours that have been spent assisting consumers in evaluating their claims and assisting them in exploring all their options including possibly retaining private counsel when it is in their best interests. This assistance has directly benefited hundreds of consumers every year and in many cases has resolved the consumer's insurance issuers or queries without requiring the filing of a formal consumer complaint.¹

Third Party Complaints

The Office of the Consumer Advocate worked twenty-nine (29) third party cases in 2024. The results of said cases are as follows:

A total of \$136,654.77 was awarded directly to West Virginia Consumers in the form of settlements in seven (7) of the consumer complaints.

In thirteen (13) consumer complaint cases, the consumer opted to obtain private counsel for representation.

In four (4) consumer complaint cases, the Consumer failed or declined to request representation.

¹ A detailed breakdown of the work performed by the Office of the Consumer Advocate each week is available for review.

In three (3) consumer complaint cases, the Consumer opted to withdraw the consumer complaint.

One (1) consumer complaint case went to a full hearing and the Hearing Examiner found UTPA violations.

One (1) consumer complaint case is still pending.

THIRD PARTY COMPLAINTS

HANDLED BY THE OFFICE OF THE CONSUMER ADVOCATE IN 2024

RESPONDENT	THIRD PARTY COMPLAINANT	RESOLUTION
Permanent General Assurance Company	Isaac Whittington	Settled
Allstate Property & Casualty Insurance Company	Fred Ours	Settled
Encompass Home & Auto Insurance Company	Amy Fairman	Settled
State Farm Mutual Automobile Insurance Company	Daymeion Sell	Consumer failed to request representation
State Farm Mutual Automobile Insurance Company	Linda Love	Settled
Hartford Insurance Company of the Midwest	William Lewis	Consumer failed to request representation
Fire Acceptance Insurance Company, Inc.	Janice Merritt	Settled
Allstate Property & Casualty Insurance Company	Jerome Stotler	Consumer retained private counsel
State Farm Mutual Automobile Insurance Company	Eric Taylor	Consumer retained private counsel
Direct General Insurance Company	Miranda Pifer	Settled
Zurich American Insurance Company	Brittany Young	Consumer retained private counsel
Allstate Property & Casualty Insurance Company	Donald Kisner	Consumer opted to withdraw consumer complaint
West Virginia Farmers Mutual Insurance Association	Rebecca Juckett	Consumer retained private counsel
Falls Lake National Insurance Company	Rebecca Juckett	Consumer retained private counsel
Liberty Mutual Personal Insurance Company	Serafino Nolletti	Consumer retained private counsel
Safeco Insurance Company of America	Mark Holstine	Settled
State Farm Mutual Automobile Insurance Company	Vicky White	Consumer failed to request representation

Erie Insurance Property & Casualty Company	Terry Lynn Reneau	Consumer retained private counsel
Greenwich Insurance Company	Mackenzie Wynes	Consumer retained private counsel
State Auto Mutual Insurance Company	Kevin Belcher	Consumer retained private counsel
USAA General Indemnity Company	Kenneth & Mary Crook	Consumer opted to withdraw consumer complaint
Progressive Casualty Insurance Company	Terrence & Kathy Taft	Consumer opted to withdraw consumer complaint
National Union Fire Insurance Company of Pittsburgh, Pa	Austin Moss	Hearing examiner found UTPA violations after a hearing
Grange Indemnity Insurance Company	Jessica Hughes	Consumer failed to request representation
Garrison Property & Casualty Insurance Company	Charlene Short	Consumer retained private counsel
Progressive Classic Insurance Company	Danny Martin	Pending
Erie Insurance Company	Jeremy Burkhammer	Consumer retained private counsel
The Travelers Indemnity Company	Karen Pethel	Consumer retained private counsel
Old Republic Insurance Company	David Howell	Consumer retained private counsel

First Party Complaints

The Office of the Consumer Advocate worked nineteen (19) first party cases in 2024. The results of said cases are as follows:

A total of \$28,360.24 was awarded directly to West Virginia Consumers in the form of settlements in four (4) of the consumer complaints.

In two (2) consumer complaint cases, the consumers retained private counsel.

In ten (10) consumer complaint cases, the Consumer failed to request representation.

In three (3) consumer complaint cases, the consumer opted to withdraw the consumer complaint.

FIRST PARTY COMPLAINTS
HANDLED BY THE OFFICE OF THE CONSUMER ADVOCATE IN 2024

RESPONDENT	FIRST PARTY COMPLAINANT	RESOLUTION
State Farm Fire & Casualty Company	Mary Wylie	Consumer opted to withdraw consumer complaint
Allstate Insurance Company	Bruno Rhodes	Consumer failed to request representation
Liberty Mutual Insurance Company	John Donahue	Settled
American Strategic Insurance Corporation	Filomena D'Alessio	Settled
Safeco Insurance Company of America	Kaleb Anderson	Consumer failed to request representation
Allstate Property & Casualty Insurance Company	Dean Mongold	Consumer opted to withdraw consumer complaint
Farmers & Mechanics Fire & Casualty Insurance Company	Roger Holley	Consumer retained private counsel
Allstate Insurance Company	Michael Reed	Consumer failed to request representation
State Farm Mutual Automobile Insurance Company	David Kolbfleisch	Settled
Farmers Property & Casualty Insurance Company	Cristian & Dianne Correia	Consumer failed to request representation
State Farm Mutual Automobile Insurance Company	Harry McKenzie	Consumer retained private counsel
American Modern Insurance	Andrea Crespo	Consumer failed to request representation
State Farm Fire & Casualty Company	Kent Hartsog	Consumer failed to request representation
Esurance Property & Casualty Company	Harold Ware	Settled
State Farm Insurance Company	Ardonia & James Armour	Consumer opted to withdraw consumer complaint
American Economy Insurance Company	Ronnie Ficca	Consumer failed to request representation
American-Amicable Life Insurance Company	Barbara Lewis	Consumer failed to request representation
RLI Insurance Company	Clarence Massey	Consumer failed to request representation
Safeco Insurance Company	Rosaline Welsh	Consumer failed to request representation

Appeals to the West Virginia Intermediate Court of Appeals

The Office of the Consumer Advocate represented consumers in (1) cases appealed to the West Virginia Court of Appeals in 2024. The results of said case is as follows:

A total of \$979.23 was awarded directly to West Virginia Consumers in the form of settlements in one (1) of the appeals.

APPEALS TO THE WEST VIRGINIA INTERMEDIATE COURT OF APPEALS HANDLED BY THE OFFICE OF THE CONSUMER ADVOCATE IN 2024

COMPLAINANT	RESPONDENT	RESOLUTION
Austin Moss	National Union Fire Insurance Company of Pittsburgh, Pa.	Settled

Certificate of Need Review

The Office of the Consumer Advocate participated in the review of Certificate of Need (CON) applications before the Health Care Authority. All health care providers must obtain a CON from the West Virginia Health Care Authority to develop, add, or acquire new health care facilities and equipment. The Office of the Consumer Advocate reviews all CON applications and may intervene for the interests of West Virginia residents in the Health Care Authority's CON review process. The Office of the Consumer Advocate carefully reviewed and considered the following 34 CON applications:

CERTIFICATE OF NEED - January 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
Hospice of Huntington, Inc. dba Tri-State LifeCare	23-2-12848-PC	In-Home Personal Care Services	\$5,000.00
Hospice of Huntington, Inc. dba Tri-State LifeCare	23-2-12849-PC	In-Home Personal Care Services	\$5,000.00

Wheeling Hospital	23-10-12852-P	Ambulatory Care Center	\$515,000.00
E&A Pediatrics Home Health Services		Medicaid/Medicare	\$12,000.00

CERTIFICATE OF NEED - February 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
Seneca Health Services, Inc.	24-4-12867-P	Ambulatory Care Center	\$15,000.00
Charleston Area Medical Center, Inc.	24-3-12871-P	Ambulatory Health Care Facility	\$350,000.00
Wetzel County Hospital	24-10-12875-P	Primary Care/Surgery Clinic	\$30,000.00
Wheeling Rehabilitation and Healthcare Center LLC Stallion WV TBD Holdco LLC Stallion Master Tenant LLC and Wheeling Specialty Hospital LLC	24-10-12882-A	Acquisition of Peterson Healthcare and Rehabilitation Hospital	\$44,150,000.00
Corridor H Physical Therapy	24-7-12894-P	Ambulatory Care Center	\$486,636.17

CERTIFICATE OF NEED – March 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
Thomas Memorial Hospital THS Physician Partners, Inc.	24-3-12926-P	Kanawha City Physician Practice	\$677,000.00
Thomas Memorial Hospital THS Physician Partners, Inc.	24-3-12931-P	Hurricane Physician Practice	\$99,000.00

CERTIFICATE OF NEED – May 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
Charleston Area Medical Center, Inc.	24-5-12953-P	Ambulatory Health Care facility	\$1,144,047.00

United Physicians Care, Inc.	24-4-12955-P	UPC Healthcare 360 Ambulatory Care	\$175,600.00
Camden-Clark Physician Corporation	24-5-12959-P	Ambulatory Care Center	\$30,000.00
Potomac Valley Hospital	24-8-12964-P	Ambulatory Care Center	\$60,000.00

CERTIFICATE OF NEED - June 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
West Virginia University Hospitals, Inc.	24-6-12971-H	Fairmont Medical Center Surgery Services	\$26,825,000.00

CERTIFICATE OF NEED – July 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
Charleston Area Medical Center, Inc.	24-3-12972-P	Ambulatory Health Care Facility	\$3,922,092.00
West Virginia University Hospitals, Inc.	24-6-13025-H	Eye Institute Building Relocations	\$229,200,000.00
Potomac Valley Hospital	24-8-12973-P	Specialty Physician Relocation	\$1,950,000.00
VCG Luna, LLC	24-12-13027-A	Acquisition of Amedisys Home Health Agencies	\$28,746,300.00
Charleston Area Medical Center, Inc.	24-3-13028-P	Ambulatory Health Care Facility	\$500,000.00
Appalachian Direct Care Advocates (ADCA)	24-2/3/5-13049-BH	Title 19 Waiver Provider	\$8,030.00

CERTIFICATE OF NEED - August 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
United Hospital Center, Inc.	24-6-13060-H	Expansion	\$1,820,000.00
West Virginia United Health Systems, Inc. d/b/a West Virginia University Health System	24-11-13061-A	Acquisition of Weirton Medical Center	\$229,057,945.00
Surgical Center 360, LLC	24-2-13062-P	Pain Management Ambulatory Surgery Center	\$3,453,617.00

Rivers Health	24-2-13063-P	Gallipolis Ferry Rural Health Clinic	\$220,000.00
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CERTIFICATE OF NEED - September 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
VCG Luna, LLC	24-5-13068-A	Acquisition of Housecalls Hospice	\$2,624,920.00
Rivers Health	24-2-13097-P	Gallipolis Ferry Diagnostic Imaging	\$127,000.00
Camden-Clark Memorial Hospital Corporation Camden-Clark Physician Corporation	24-5-13100-P	Rheumatology Physician Practice	\$10,000.00
Potomac Valley Hospital	24-8-13099-P	Internal Medicine Physician Practice Acquisition	\$25,000.00
University Physicians & Surgeons, Inc.	24-2-13110-P	Gallipolis Ferry Occupational Health	\$65,000.00
Reliable Relief Home Healthcare, LLC,	24-2-13111-PC	Ambulatory Care Center	\$1,500.00

CERTIFICATE OF NEED - October 2024

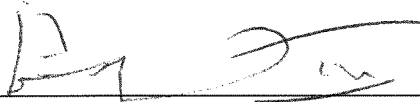
FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
Camden-Clark Memorial Hospital Corporation Camden-Clark Physician Corporation	24-5-13120-P	Infectious Disease Physician Practice	\$250,000.00

CERTIFICATE OF NEED - December 2024

FACILITY	CON NO.	REQUEST	CAPITAL EXPENDITURE
Princeton Community Hospital	24-1-13161-H	Behavioral Health Pavilion Renovation	\$27,250,000.00

Conclusion

The Office of the Consumer Advocate continues to remain dedicated to providing consumer protection and promoting consumer awareness. Further, the Office of the Consumer Advocate will track trends in the insurance industry and educate West Virginia insurance consumers regarding insurance issues and practices. The Office of Consumer Advocate remains a remarkable resource for West Virginia insurance consumers and will continue to do everything possible to protect citizens and advocate for a fair and accessible insurance marketplace for everyone.



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