

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED

JUL 26 2 28 PM '96

OFFICE OF THE
SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Insurance Commissioner TITLE NUMBER: 114
RULE TYPE: Legislative; CITE AUTHORITY W.Va. Code §33-2-10, 33-15C-1 and 33-16-16.
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 52

TITLE OF RULE BEING PROPOSED: Diabetes Regulations

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 26, 1996 AT 12:00 noon. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Donna S. Quesenberry, Associate Counsel

West Virginia Insurance Commission

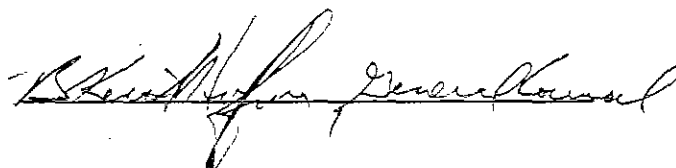
P.O. Box 50540

1124 Smith Street

Charleston, W.Va. 25305-0540

(304) 558-0401

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.00



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

Legal Division

GASTON CAPERTON
Governor

July 26, 1996

HANLEY C. CLARK
Insurance Commissioner

HAND DELIVERED

Ms. Judy Cooper, Director
Administrative Law Division
Office of Secretary of State
State Capitol
Charleston, WV 25305

Dear Ms. Cooper:

Enclosed please find for filing one (1) copy of the following:

- (1) Notice of a Comment Period on a Proposed Rule;
- (2) Consent of Tax and Revenue Cabinet Secretary to Proposed Rule;
- (3) Brief Summary of the Rule;
- (4) Statement of Circumstances
- (5) Fiscal Note;
- (6) Proposed Rule entitled "Diabetes Regulations" (Series 52).

Please contact me if further information is required.

Sincerely,

A handwritten signature in cursive script that reads "Donna Quesenberry".

Donna Quesenberry
Associate Counsel

DQ/cjs

Enclosures



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

Legal Division

GASTON CAPERTON
Governor

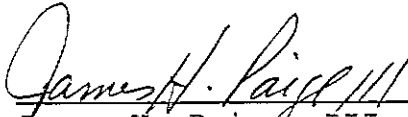
HANLEY C. CLARK
Insurance Commissioner

CONSENT TO FILING OF RULE

To Whom It May Concern:

Pursuant to West Virginia Code § 5F-2-2(a)(12), the undersigned hereby grants consent to the filing of the following rule proposed by the Insurance Commissioner of the State of West Virginia: - Title 114, Series 52, relating to "Diabetes Regulations."

Signed this 26th day of July, 1996.


James H. Paige, III
Secretary of Tax and Revenue

Insurance Commissioner
Legislative Rule
Title 114, Series 52

DIABETES REGULATION

Title 114, Series 52

BRIEF SUMMARY OF RULE

This proposed rule sets forth the equipment and supplies for the treatment and/or management of diabetes for both insulin dependent and non-insulin dependent persons with diabetes and those with gestational diabetes which shall be covered by major medical or similar comprehensive-type medical coverage if medically necessary and either prescribed by a licensed physician or upon written order by a licensed physician.

Insurance Commissioner
Legislative Rule
Title 114, Series 52

DIABETES REGULATION

Title 114, Series 52

STATEMENT OF CIRCUMSTANCES

On March 9, 1996, the West Virginia Legislature passed Senate Bill 312 which added Article 15C to Chapter 33 of the West Virginia Code and Section 16 to Article 16, Chapter 33 of the West Virginia Code, both relating to insurance for diabetics. The purpose of the proposed rule is to set forth the equipment and supplies for the treatment and/or management of diabetes for both insulin dependent and non-insulin dependent persons with diabetes and those with gestational diabetes which shall be covered by major medical or similar comprehensive-type medical coverage if medically necessary and either prescribed by a licensed physician or upon written order by a licensed physician.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Diabetes Regulations (Series 52)

Type of Rule: Legislative Interpretive Procedural

Agency: Insurance Commissioner

Address: Post Office Box 50540
 2019 Washington Street, East
 Charleston, West Virginia 25305-0540

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1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	Increase	Decrease	Current	Next	Thereafter
ESTIMATED TOTAL COST	None				
PERSONAL SERVICES	None				
CURRENT EXPENSE	None				
REPAIRS AND ALTERNATIONS	None				
EQUIPMENT	None				
OTHER	None				

2. Explanation of above estimates:

This rule will have no additional fiscal impact upon state, local or federal government.

Rule Title: Diabetes Regulations (Series 52)

3. Objectives of these rules:

The objective of this proposed rule is to set forth the equipment and supplies for the treatment and/or management of diabetes for both insulin dependent and non-insulin dependent persons with diabetes and those with gestational diabetes which shall be covered by major medical or similar comprehensive-type medical coverage if medically necessary and either prescribed by a licensed physician or upon written order by a licensed physician.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

May produce additional cost to insurance companies providing major medical coverage if equipment and supplies set forth in the rule are not currently covered.

C. Economic Impact on Citizens/Public at Large.

Insurance companies may pass along any additional cost, if any, to consumers in the form of increased premiums. Benefits to consumers with diabetes should outweigh the cost of any increase in premiums.

Date: 26 July 96

Signature of Agency Head or Authorized Representative

Hanley O. Clark

114CSR52
WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER

SERIES 52
DIABETES REGULATIONS

Section

- §114-52-1. General.
- §114-52-2. Insurance Coverage for Diabetics.
- §114-52-3. Severability.

114CSR52
WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER

SERIES 52
DIABETES REGULATIONS

§114-52-1. General.

1.1. Scope. -- The purpose of this rule is to set forth the equipment and supplies for the treatment and/or management of diabetes which shall be covered by major medical or similar comprehensive-type medical coverage if medically necessary and either prescribed by a licensed physician or upon written order by a licensed physician.

1.2. Authority. -- W. Va. Code §§ 33-2-10, 33-15C-1 and 33-16-16.

1.3. Filing Date. --

1.4. Effective Date. --

§114-52-2. Insurance Coverage for Diabetics.

2.1. Except as provided in W. Va. Code § 33-15-6, any policy which provides major medical or similar comprehensive-type medical coverage shall include coverage for the following equipment and supplies for the treatment and/or management of diabetes for both insulin dependent and noninsulin dependent persons with diabetes and those with gestational diabetes, if medically necessary because of the diabetic condition and either prescribed by a licensed physician or upon written order by a licensed physician:

- a. Urine ketone testing strips;
- b. Urine microalbumin test;
- c. Blood pressure monitoring device;
- d. Podiatric appliances and therapeutic footwear; and

Insurance Commissioner
Legislative Rule
Title 114, Series 52

e. Orthopedic appliances, including but not limited to canes, crutches and walkers.

§114-52-3. Severability.

3.1. If any provision of this rule or the application of this rule to any person or circumstances is for any reason held to be invalid, the remainder of the rule and the application of the provisions to other persons or circumstances shall not be affected by the holding.