

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

m #4

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FILED

FEB 20 3 09 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commissioner TITLE NUMBER: 114

CITE AUTHORITY W.Va. Code §§ 33-2-10, 33-15C-1, 33-16-16

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

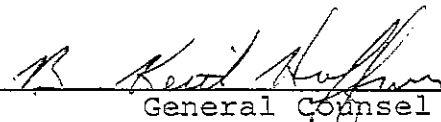
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING PROPOSED: Diabetes Regulation

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


General Counsel



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

Legal Division

GASTON CAPERTON
Governor

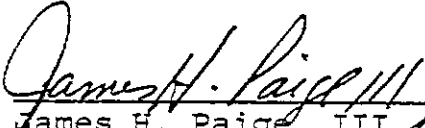
HANLEY C. CLARK
Insurance Commissioner

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

114CSR52
WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER

SERIES 52
DIABETES REGULATIONS

Section

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

FILED

114CSR52
WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER

FEB 20 3 03 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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 canes, crutches
and walkers.



FILED

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

State Capitol - Room MB-49
Charleston, West Virginia 25305
(304) 347-4840

Senator: Mike Ross, Co-Chairman
Delegate: Mark Hunt, Co-Chairman
Counsel: Debra A. Graham

February 11, 1997

Joseph A. Altizer, Associate Counsel
Rita Pauley, Associate Counsel
Audrey R. Ross, Admin. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: ----- Ms. Donna S. Quesenberry
Office of the Insurance Commissioner
Legal Division
P. O. Box 50540
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: *Diabetes Regulation*

114-52

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency /
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____

1 Bill-Ins, Diabetes (By Delegate(s) Douglas, Hunt, Compton,
2 Faircloth, Lynch and Riggs)

3
4 [Introduced March 3, 1997; referred to the
5 Committee on Banking and Insurance then the
6 Judiciary.]
7
8
9

10 A BILL to amend and reenact section three, article seven,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the insurance commissioner to
14 promulgate a legislative rule relating to diabetes.

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

16 That section three, article seven, chapter sixty-four
17 of the code of West Virginia, one thousand nine hundred
18 thirty-one, as amended, be amended and reenacted, to read
19 as follows:

20 ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF TAX AND REVENUE
21 TO PROMULGATE LEGISLATIVE RULES.

22 §64-7-3. Insurance commissioner.

23 (a) The legislative ~~rules~~ rule filed in the state

1 register on the twenty-seventh day of July, one thousand
2 nine hundred ninety-five, authorized under the authority of
3 section nine, article seven, chapter thirty-three of this
4 code, modified by the insurance commissioner to meet the
5 objections of the legislative rule-making review committee
6 and refiled in the state register on the twenty-seventh
7 day of November, one thousand nine hundred ninety-five,
8 relating to the insurance commissioner (actuarial opinion
9 and memorandum rule, 114 CSR 41), ~~are~~ is authorized.

10 (b) The legislative ~~rules~~ rule filed in the state
11 register on the twenty-seventh day of July, one thousand
12 nine hundred ninety-five, authorized under the authority of
13 section ten, article two, chapter thirty-three of this
14 code, modified by the insurance commissioner to meet the
15 objections of the legislative rule-making review committee
16 and refiled in the state register on the twenty-seventh day
17 of November, one thousand nine hundred ninety-five,
18 relating to the insurance commissioner (examiners'
19 compensation, qualifications and classification, 114 CSR
20 15), ~~are~~ is authorized.

21 (c) The legislative ~~rules~~ rule filed in the state
22 register on the twenty-eighth day of July, one thousand
23 nine hundred ninety-five, authorized under the authority of

1 section eleven, article twelve, chapter thirty-three of
2 this code, modified by the insurance commissioner to meet
3 the objections of the legislative rule-making review
4 committee and refiled in the state register on the
5 twenty-seventh day of November, one thousand nine hundred
6 ninety-five, relating to the insurance commissioner (excess
7 line brokers, 114 CSR 20), ~~are~~ is authorized.

8 (d) The legislative ~~rules~~ rule filed in the state
9 register on the twenty-eighth day of July, one thousand
10 nine hundred ninety-five, authorized under the authority of
11 section ten, article two, chapter thirty-three of this
12 code, modified by the insurance commissioner to meet the
13 objections of the legislative rule-making review committee
14 and refiled in the state register on the twenty-seventh day
15 of ~~November,~~ ~~one~~ thousand nine hundred ninety-five,
16 relating to the insurance commissioner (continuing
17 education for insurance agents, 114 CSR 42), ~~are~~ is
18 authorized.

19 (e) The legislative ~~rules~~ rule filed in the state
20 register on the twenty-eighth day of July, one thousand
21 nine hundred ninety-five, authorized under the authority of
22 section ~~nine,~~ ~~article~~ ~~seven,~~ ~~chapter~~ ~~thirty-three~~ of this
23 code, modified by the insurance commissioner to meet the

1 objections of the legislative rule-making review committee
2 and refiled in the state register on the twenty-seventh
3 day of November, one thousand nine hundred ninety-five,
4 relating to the insurance commissioner (recognizing
5 mortality tables for use in determining reserve liability
6 for annuities, 114 CSR 45), ~~are~~ is authorized.

7 (f) The legislative ~~rules~~ rule filed in the state
8 register on the twenty-eighth day of July, one thousand
9 nine hundred ninety-five, authorized under the authority of
10 section thirty-one-c, article six, chapter thirty-three of
11 this code, modified by the insurance commissioner to meet
12 the objections of the legislative rule-making review
13 committee and refiled in the state register on the
14 twenty-seventh day of November, one thousand nine hundred
15 ninety-five, relating to the insurance commissioner
16 (substandard risk motor vehicle insurance notice
17 requirements, 114 CSR 37), ~~are~~ is authorized.

18 (g) The legislative ~~rules~~ rule filed in the state
19 register on the twenty-eighth day of July, one thousand
20 nine hundred ninety-five, authorized under the authority of
21 section nine, article seven, chapter thirty-three of this
22 code, modified by the insurance commissioner to meet the
23 objections of the legislative rule-making review committee

1 and refiled in the state register on the twenty-seventh
2 day of November, one thousand nine hundred ninety-five,
3 relating to the insurance commissioner (minimum reserve
4 standards for individual and group health insurance
5 contracts, 114 CSR 44), ~~are~~ is authorized.

6 (h) The legislative ~~rules~~ rule filed in the state
7 register on the thirty-first day of July, one thousand nine
8 hundred ninety-five, authorized under the authority of
9 section twenty, article twenty-five-a, chapter thirty-
10 three of this code, modified by the insurance commissioner
11 to meet the objections of the legislative rule-making
12 review committee and refiled in the state register on the
13 twenty-seventh day of November, one thousand nine hundred
14 ninety-five, relating to the insurance commissioner (filing
15 procedures for health maintenance organizations, 114 CSR
16 46), ~~are~~ is authorized.

17 (i) The legislative ~~rules~~ rule filed in the state
18 register on the thirty-first day of July, one thousand nine
19 hundred ninety-five, authorized under the authority of
20 section twenty, article twenty-five-a, chapter thirty-three
21 of this code, modified by the insurance commissioner to
22 meet the objections of the legislative rule-making review
23 committee and refiled in the state register on the twenty-

1 seventh day of November, one thousand nine hundred
2 ninety-five, relating to the insurance commissioner (health
3 maintenance organizations, 114 CSR 43), ~~are~~ is authorized.

4 (j) The legislative rule filed in the state register
5 on the twenty-ninth day of August, one thousand nine
6 hundred ninety-six, authorized under the authority of
7 section one, article fifteen-c, chapter thirty-three, of
8 this code, modified by the insurance commissioner to meet
9 the objections of the legislative rule-making review
10 committee and refiled in the state register on the
11 twentieth day of February, one thousand nine hundred
12 ninety-seven, relating to the insurance commissioner
13 (diabetes, 114 CSR 52), is authorized.

14

15 NOTE: The purpose of this bill is to authorize the
16 Insurance Commissioner to promulgate a legislative rule
17 relating to Diabetes.

18

19 Strike-throughs indicate language that would be
20 stricken from the present law, and underscoring indicates
21 new language that would be added.

Senate Bill No. 183

1 (By Senator(s) Ross, Anderson, Macnaughtan,
2 Boley and Buckalew)

3 [Introduced March 3, 1997; referred to the
4 Committee on Banking and Insurance; and then to
5 the Committee on the Judiciary.]
6
7
8
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16 That section three, article seven, chapter sixty-four
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