

Promulgation History Abstract

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Quality Assurance Program - Phase 1

SECRETARY OF STATE

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OFFICE OF THE
SECRETARY OF STATE

~~WEST VIRGINIA~~ LEGISLATIVE RULE
WEST VIRGINIA HEALTH CARE COST REVIEW AUTHORITY
~~CHAPTER 16-29B~~
SERIES ~~IV~~ 4

Title: Legislative Rules To Implement Utilization Review And Quality Assurance Program - Phase 1

Section 1. General

1.01 Scope - These rules set forth initial requirements for the implementation of the utilization review and quality assurance program mandated by West Virginia Code, §16-29B-23. The requirements include specified time periods for the filing of information and descriptions of what must be filed. Also included is a description of a peer review organization. These rules supplement the Health Care Cost Review Authority Act, West Virginia Code, §§16-29B-1 et seq., as amended, and the West Virginia Administrative Procedures Act, West Virginia Code, §§29A-1-1 et seq., as amended, and must be read in conjunction with those Acts.

1.02 Authority - These rules are issued under the authority of the Health Care Cost Review Authority Act, West Virginia Code, §§16-29B-8(a)(1), -23, the Administrative Procedures Act, West Virginia Code, §§29A-2-9,-15, and the Freedom of Information Act, West Virginia Code, §29B-1-3.

1.03 Filing Date - May 20, 1985

1.04 Effective Date - May 20, 1985

Section 2. Definitions - As used in these rules, all terms have the same meaning as provided in the definition section of the Health Care Cost Review Authority Act, West Virginia Code, §16-29B-3. Definitions of additional terms are set forth below and whenever those terms are used in these rules the following definitions apply, unless a different meaning clearly appears from the context.

2.01 Act means the West Virginia Health Care Cost Review Authority Act, West Virginia Code, §§16-29B-1 et seq., as amended.

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2.02 Authority means the West Virginia Health Care Cost Review Authority, an autonomous division within the State Department of Health, established pursuant to West Virginia Code, §16-29B-5.

2.03 Contractor means the person or persons who enter into agreements with the Authority for the performance of duties required by the Authority's utilization review and quality assurance program.

2.04 Person means a natural person, a corporation, association, or other legal entity.

2.05 Program means the Authority's utilization review and quality assurance program required by Section 23 of the Act.

2.06 UB-82 means Uniform Bill-82.

Section 3. Professional Review Organization - In order to carry out its duties under the Act for the establishment of a utilization review and quality assurance program, the Authority must have available to it qualified medical and surgical expertise and the requisite data storage and handling capabilities. Accordingly, the Authority will, from time to time, enter into a contract or contracts with a person or persons to collect patient information, to process that information, and to compile reports from that information in formats to be determined by the Authority.

3.01 West Virginia Medical Institute, Inc. The initial contractor shall be the West Virginia Medical Institute, Inc., a West Virginia corporation, whose principle place of business is located in Charleston, West Virginia. The West Virginia Medical Institute, Inc., is presently the holder of the contract with the Health Care Financing Administration of the United States Department of Health and Human Services to operate a peer review organization for the federal medicare program in the State of West Virginia.

3.02 Subsequent Contractors - The Authority may in the future either contract with the West Virginia Medical Institute, Inc., or with one or more other persons for the performance of subsequent programs under the terms of these rules.

Section 4. Patient Data.

4.01 Hospitals - Each hospital covered by the Act must submit one complete copy of the UB-82 data for each and every one of its inpatients. To the extent that a particular hospital must already submit a complete copy of UB-82 data for one or more classes of patients (e.g., medicare or medicaid) to the contractor, then such submissions need not be duplicated and the previously required submission will suffice.

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4.02 Data Format - The UB-82 data must be submitted to the contractor on Industry Standard 1600 BPI tape or upon Wang format tape or upon similar computer tape format. Hard copies of the UB-82 data are not to be submitted to the contractor unless the hospital does not itself have access to one of the above noted computer tape formats and unless the hospital first notifies the contractor.

Section 5. Patient Confidentiality - The contractor, and its officers, employees, and agents, as well as the Authority, and its officers, employees, and agents, shall maintain the confidentiality of all personal medical information personally identifiable to a purchaser. The hospitals shall submit and the contractor shall collect such confidential data from the hospitals from the UB-82 forms and provide it to the Authority as provided for in its agreement with the Authority.

Section 6. Sanctions - Any person or persons who violate or refuse to comply with the requirements of these rules shall be subject to remedial action as provided for under the Act including criminal penalties as provided for by West Virginia Code, §16-29B-27, orders of enforcement as provided for by West Virginia Code, §16-29B-15, civil actions as provided for by West Virginia Code, §16-29B-14, and such other sanctions as are reasonably necessary or essential to effect the express objectives and purposes of the Act as provided for by West Virginia Code, §16-29B-8(a)(6).

Section 7. Phase 2 - These rules cover only phase 1 of the Authority's program under Section 23(a) of the Act. Phase 2 of the program will consist of the implementation of the provisions of Section 23(b) and (c) of the Act. Phase 2 will be developed following the collection of this initial data and following the required hearings.

Section 8. Severability - If any provision or provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of these rules which can be given effect without the invalid provision or provisions or application and to this end the provisions of these rules are declared to be severable.

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