85CSR17

TITLE 85 EXEMPT LEGISLATIVE RULE WORKERS' COMPENSATION RULES OF THE WEST VIRGINIA INSURANCE COMMISSIONER

SERIES 17 ELECTRONIC SUBMITTAL OF INVOICES AND RECEIPT OF PAYMENTS

§85-17-1. General.

- 1.1. Scope. -- These exempt legislative rules implement the provisions of W. Va. Code §23-3-5 regarding the submission of vendor bills by electronic means and the receipt of payments by vendors from the workers' compensation commission by electronic means.
- 1.2. Authority. -- W. Va. Code §§23-1-1a(j)(3) and 23-3-5. Pursuant to W. Va. Code §23-1-1a(j)(3), rules adopted by the board of managers are not subject to legislative approval as would otherwise be required under W. Va. Code §29A-3-1 et seq. Public notice requirements of that chapter and article, however, must be followed.
 - 1.3. Filing Date. -- August 31, 2005.
 - 1.4. Effective Date. -- October 1, 2005.

§85-17-2. Purpose of These Rules.

2.1. The purpose of this rule is to implement the provisions of W. Va. Code §23-3-5 regarding the submission of vendor bills by electronic means and the receipt of payments by vendors from the workers' compensation commission by electronic means.

§85-17-3. Definitions.

As used in these rules, the following terms have the stated meanings unless the context of a specific use clearly indicates another meaning is intended.

3.1. "Act" means the workers' compensation laws of the state of West Virginia which are codified at W. Va. Code §23 et seq.

- 3.2. "ASAP" means that software program known as "Accelerated Submission and Processing System."
- 3.3. "Code" means the Code of West Virginia of 1931, as amended.
- 3.4. "Board" means the workers' compensation board of managers created pursuant to the provisions of W. Va. Code §23-1-1a.
- 3.5. "Current fiscal year" means the fiscal year existing at the time a new invoice is to be submitted by a vendor. A fiscal year runs from the first day of July to the thirtieth day of the following June.
- 3.6. "Commission" means the workers' compensation commission created pursuant to the provisions of W. Va. Code §23-1-1.
- 3.7. "Executive director" means the executive director of the workers' compensation commission, who serves as the chief operating officer of the daily operations of the workers' compensation commission as provided by W. Va. Code §23-1-4.
- 3.8. An "invoice" is any legal demand, whether written, oral, or by computer generated medium, for the payment by the workers' compensation to a vendor.
- 3.9. "Vendor" means any health care provider or other entity who performs a service or provides a thing of value to a claimant for workers' compensation benefits and who then submits an invoice or otherwise seeks payment from the workers' compensation commission for the rendering of that service or thing of value. Under no circumstances is a claimant for

workers' compensation benefits to be deemed a vendor under these rules. Unless a self-insured employer elects to take the option provided for in section 6.1 of this rule, the term "vendor" does not include an entity which is submitting invoices or other demands for payment directly to a self-insured employer. In addition, the executive director may, on a case-by-case basis, exclude certain entities from the definition of this subsection.

- 3.10. "Insurance Commissioner" means the insurance commissioner of West Virginia as provided in section one, article two, chapter thirty-three of the West Virginia Code.
- 3.11. "Private Carrier" means any insurer, including the successor to the Commission, authorized by the insurance commissioner to provide workers' compensation insurance pursuant to chapters twenty-three and thirty-three of the West Virginia Code, but shall not include self-insured employers.
- 3.12. "Self-insurer" and "self-insured employer" mean employers who are eligible and have been granted self-insured status under the provisions of W. Va. Code §23-2-9.

§85-17-4. Electronic Submission of Invoices.

- 4.1. Any vendor who, in the previous fiscal year, submitted in excess of one hundred (100) invoices totaling in excess of ten thousand (\$10,000.00) dollars to the workers' compensation commission shall, in the current fiscal year, submit all invoices to the workers' compensation commission by electronic means.
- 4.1.1. For example, a vendor submitting 110 invoices which total \$25,000.00 would be required to submit invoices by electronic means.
- 4.1.2. For example, a vendor submitting 90 invoices which total \$25,000.00 would not be required to submit invoices by electronic means.
- 4.1.3. For example, a vendor submitting 110 invoices which total \$9,000.00 would not be required to submit invoices by electronic means.
 - 4.2. The electronic means required to be

used on the effective date of this rule is the software program designated "ASAP." The executive director shall notify each vendor meeting the requirements of subsection 4.1 of these rules that the vendor must submit all future invoices by use of the ASAP software and shall provide a copy of that software to the vendor without charge.

- 4.3. The vendor shall be responsible for acquiring the necessary computer system, other software, and telephone lines by which the ASAP program will be utilized. The workers' compensation commission shall not be responsible nor liable for the costs of acquiring or maintaining the necessary computer system, other software, or telephone lines.
- 4.4. In the event that the executive director wishes to change the software program from ASAP to some other software program, such change shall first be reviewed and approved by the board of managers.
- 4.5. Any vendor, who is required by subsection 3.1 of these rules, to submit invoices by use of the ASAP software program and who does not do so shall not receive payment upon that invoice and such invoice shall be immediately rejected and returned to the vendor. Upon proper resubmittal of the invoice by use of the ASAP software program, the vendor shall then be entitled to such payment as may be proper under the rules of the commission.

§85-17-5. Payment by Electronic Means.

- 5.1. Any vendor who, in the previous fiscal year, submitted in excess of one hundred (100) invoices totaling in excess of ten thousand (\$10,000.00) dollars to the workers' compensation commission shall, in the current fiscal year, receive payment from the workers' compensation commission by electronic means.
- 5.1.1. For example, a vendor submitting 110 invoices which total \$25,000.00 would be required to receive payment by electronic means.
- 5.1.2. For example, a vendor submitting 90 invoices which total \$25,000.00 would not be

required to receive payment by electronic means.

- 5.1.3. For example, a vendor submitting 110 invoices which total \$9,000.00 would not be required to receive payment by electronic means.
- 5.2. Any vendor who meets the requirements of subsection 5.1 of these rules and who wishes to receive payment from the workers' compensation commission shall provide the commission with the name and address of its bank and an appropriate account number or other designation to which the commission may direct the state auditor's office to render appropriate payments. The vendor shall provide such additional information as the state auditor may require in order to effectuate the payments.
- 5.3. Any vendor who is required by subsection 5.1 of these rules to receive payments by electronic means and who does not provide the necessary information in order that payments may be made electronically or who fails to otherwise cooperate with the requirements of the commission or the state auditor to make payments by electronic means shall not receive payment on any submitted invoice until such information is provided or cooperation is obtained.

§85-17-6. Reserved.

§85-17-7. Exemptions.

Any vendor who believes that the imposition of the requirements of all or part of this rule will cause an undue economic or other burden upon that vendor may file a written petition with the executive director requesting an exemption from all or part of the requirements of this rule. Such written petition shall state in detail the nature of the asserted burden and the consequences to the vendor should the vendor not be exempted. The executive director shall then issue a decision on the petition which decision shall be subject to appeal pursuant to the provisions of 85 CSR 7, "Rules for Selected Hearings."

§85-17-8. Termination of the Commission.

Upon termination of the commission, this rule shall be administered by the insurance commissioner for the purpose of the submission of vendor bills by electronic means to the administrator of the Old Fund and the receipt of payments by vendors from the Insurance Commissioner or its agent by electronic means. This rule shall have no force and effect over the collections or disbursements or other matters private carriers and self-insured employers.

§85-17-9. Severability.

If any provision of these rules or the application thereof to any person, party, or circumstances is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the other provisions or application of these rules, and to this end the provisions of these rules are declared to be severable.