Review Rate and Certificate of Need Application
Hospitals file their rate and Certificate of Need (CON) filings with the Health Care Authority and the Office of the Consumer Advocate. Each filing is carefully reviewed by the Office and a decision is made as to what action the Office should take. The Office will participate in selected hearings before the Health Care Authority to represent the public’s interests.

Monitoring the Insurance Industry
All West Virginians are affected by life, health, property, and casualty insurance. This Office protects consumers’ insurance interests by investigating alleged violations of state consumer protection laws. Then take appropriate legal action to stop unfair or deceptive practices in the marketplace and promote consumer education and awareness.

The Office works to ensure that consumers are provided with insurance services that meet acceptable standards of quality, equity, and dependability. Also enforcing fair rates, insurance laws and providing consumer protection awareness. Any suspected violations of West Virginia insurance laws or regulations are forwarded to the Insurance Commissioner for enforcement.

Give us a call or email us!
GENERAL INFORMATION AND CONSUMER COMPLAINTS
1.888.879.9842, ext.3864 | 304.558.3864
EMAIL
OICConsumerAdvocate@wv.gov

Consumer Advocate
P.O. Box 11685
Charleston, WV 25339-1685

www.wvinsurance.gov
Protecting Consumers
Protecting consumers is the West Virginia Offices of the Insurance Commissioner’s highest priority. The Offices of the Insurance Commissioner’s Office of Consumer Advocate is mandated to advocate for and protect the interests of West Virginia consumers.

The Consumer Advocate may represent consumers in administrative hearings before the WV Offices of the Insurance Commissioner, the West Virginia Health Care Authority and in any other West Virginia state or federal court. Additionally, the Consumer Advocate identifies and tracks trends in the insurance industry, recommends consumer protection to the West Virginia Legislature, and educates residents about insurance issues and best practices.

Legal Representation
In West Virginia, a formal complaint against an insurance company can be filed with the WV Offices of the Insurance Commissioner’s Consumer Services Division. This includes both first party and third-party complaints. First party complaints are filed by a consumer against their own insurance company. Third party complaints are filed by a consumer against another person’s insurance company. The Consumer Advocate may provide legal representation on behalf of the consumer at administrative hearings arising from consumer complaints.

Request for Representation
Please understand that a request for representation does not guarantee that the Consumer Advocate will accept representation.

Upon receipt of a request, the Office of the Consumer Advocate will fully investigate the complaint and carefully consider a request for representation. The Consumer Advocate will then notify a consumer in writing of the determination to accept or deny a request for representation. In the event the Consumer Advocate denies a request for representation, the hearing will either proceed with outside counsel or consumers may represent themselves. In the event the Consumer Advocate accepts representation, the Office will aggressively work on behalf of the consumer toward a resolution of the complaint.

Administrative Hearings
First Party Hearings must be scheduled within 45 days of the receipt of the written request for a hearing, unless postponed to a later date by mutual agreement. First Party Hearings are conducted at the WV Offices of the Insurance Commissioner in Charleston.

Third Party Hearings must be scheduled within 90 days from the date the complaint was filed with the Consumer Services Division, unless postponed to a later date by mutual agreement or by the Commissioner for good cause. These hearings are to be conducted in the geographical region of the state where the complainant resides.

All hearings are before a hearing examiner who is a licensed attorney specially trained in administrative law. The hearing examiner will make a recommended decision based upon findings of fact and conclusions of law. The Insurance Commissioner will then issue an order based upon those recommendations.

A consumer who prevails may result in their insurance company being fined or penalized, revocation of license or a cease-and-desist order being issued against the insurance company. In limited circumstances may be entitled to restitution including non-economic damages not to exceed $10,000 and actual economic damages. Restitution may not be given for attorney fees and punitive damages. The consumer or insurance company may appeal the Insurance Commissioner’s order within 30 days following the issuance of the order.

The consumer or insurance company may appeal the Insurance Commissioner’s order within 30 days following the issuance of the order.

Complaints
First party and third-party complaints must be filed with the Consumer Services Division of the WV Offices of the Insurance Commissioner on a form available by calling 1.888.879.9842 or via The WV Offices of the Insurance Commissioner’s website www.wvinsurance.gov.