West Virginia Office of Consumer Advocate
Offices of the WV Insurance Commissioner
2020 Annual Report

To the Honorable Governor James C. Justice II:

The purpose of this Annual Report is to comply with W.Va. Code §33-2-16 (d) which reads:

> *(d) On or before the first day of each regular session of the Legislature, the Director [Office of Consumer Advocacy] shall file with the Governor, the Clerk of the Senate and the Clerk of the House of Delegates a report detailing the actions taken by the division in the preceding calendar year.*

For starters, 2020 was a year wherein the State of WV faced a global pandemic due to the Covid-19 virus. The Governor and executive branch leaders did everything within their power to navigate this global crisis. A lot of State employees were able to work remotely during a large portion of the year. The Office of the Consumer Advocate was able to successfully work remotely and successfully come into the Office as necessary to maintain our daily operations. The Office of the Consumer Advocate was able to maintain its contact with consumers, represent consumers at hearings, work with the WVOIC representatives and work with other outside agencies at a level that makes the Director proud.

With that matter highlighted, I will now move on to the normal yearly report:

Since November 2007, the undersigned has been the Director of the Office of the Consumer Advocate. Until 2008, the Office of the Consumer Advocate was fully staffed. Since 2008, the Office of the Consumer Advocate has not been fully staffed due to the

untimely death of a staff member, retirements and statewide governmental budget cuts and belt tightening. The Nurse III position, Secretary II and the Financial Analyst positions are vacant.

The Office of the Consumer Advocate is presently staffed with the Director, Attorney II, Paralegal and Investigator. Even with staff shortages, the Office of the Consumer Advocate has maintained a good working relationship with the West Virginia Offices of the Insurance Commissioner while still providing zealous representation for numerous West Virginia insurance consumers.

In 2020, the Office of Consumer Advocate served the interests of the West Virginia insurance consumer and fulfilled the expanded duties conferred upon the Office in the tort reform measures passed in 2005 in Senate Bill 418. A large portion of the Office of the Consumer Advocate's time and resources was devoted to first- and third-party administrative cases.

During 2020, the efforts of the Office of the Consumer Advocate on behalf of West Virginia insurance consumers yielded financial awards totaling *$13,646.58* which go directly into the pocket of the consumer as well as several other important actions directly benefiting the West Virginia insurance consumer.

During the entirety of the undersigned's tenure, the Office of the Consumer Advocate has been involved in obtaining financial settlements totaling $3,941,739.11[1] on behalf of West Virginia insurance consumers. These awards go directly into the pocket of the consumer. The Office of the Consumer Advocate is very proud of this accomplishment.

[1] Last year, it was discovered that the financial settlement total had a math error in it. The total in this report now reflects the correct total.

In the health care arena in 2020, the Office of the Consumer Advocate reviewed 96 Certificate of Need Applications. The Office of the Consumer Advocate was also previously charged with reviewing Rate Review Applications before the West Virginia Health Care Authority. After passage of SB 68, the WV Health Care Authority's ability to establish and regulate hospital rates ceased in 2017. As such, the Office of the Consumer Advocate did not review Rate Review Applications last year.

Normally, the Office of the Consumer Advocate would attend many State conferences and State festivals as a means of interacting with and disseminating information to West Virginia insurance consumers. Those State festivals typically include the WV Social Workers Conference, Older American Event, the State Fair, the Pumpkin Festival, the Forest Festival, and the WV Hunting and Fishing Show. Due to Covid-19, the Consumer Advocate did not get to attend any festivals in 2020.

The Office of the Consumer Advocate participated in mandatory continuing legal education with a focus on insurance and consumer related education.

The Office of the Consumer Advocate kept abreast of any legislation that would affect West Virginia Consumers. When needed, representatives from the Office of the Consumer Advocate reviewed legislation and attended or watched via live web camera legislative hearings in both the House of Representatives and the Senate.

The Office of the Consumer Advocate also kept abreast of any cases before the West Virginia Supreme Court of Appeals regarding insurance law issues. The Consumer Advocate read any pertinent opinions and attended or watched via live web camera oral arguments at the Supreme Court chambers when insurance related cases were on the Court's docket.

Finally, the Office of the Consumer Advocate maintained progress toward the ongoing goal of consumer outreach and education. The Office achieved progress by fielding hundreds of calls and contacts from consumers. These contacts were responded to directly and/or referred to the proper agency for response.

Representing Consumers in First and Third-Party Administrative Hearings

In 2020, the Office of the Consumer Advocate provided formal representation to insurance consumers in twenty-five (25) consumer complaints before the West Virginia Insurance Commission.

Twenty-one (21) of these consumer complaints were third party complaints and the remaining four (4) consumer complaint were first party complaints. First party complaints are complaints filed by a consumer against their own insurer, while third party complaints are complaints filed by a consumer against another person's insurer. In addition to formal representation, the Office of the Consumer Advocate assisted and advised hundreds of West Virginia consumers throughout the year be it via email inquiries, telephonic inquiries, office visits, or other means. This assistance has directly benefited those consumers and in many cases has resolved the consumers' insurance issues or queries without requiring the filing of an actual consumer complaint with the WVOIC.

Whenever a case is received by the Office of the Consumer Advocate, it is evaluated carefully. A number of different things can occur at this time including, but not limited to; the consumer can opt to not request representation; a consumer can request representation, but after careful review of the case the Office of the Consumer Advocate can decline to represent; the consumer can request representation and the Office of the Consumer Advocate can accept; or the Office of the Consumer Advocate

can assist the consumer in deciding whether or not they want to obtain private counsel because the damages in the matter merit a civil lawsuit.

The Office of the Consumer Advocate is proud of the representation that it has provided to consumers. Further, the Office of the Consumer Advocate is also proud of the countless hours that have been spent assisting consumers in evaluating their claims and assisting them in exploring all their options including possible retaining private counsel when it is in their best interests. This assistance has directly benefited hundreds of consumers every year and in many cases has resolved the consumer's insurance issuers or queries without requiring the filing of a formal consumer complaint.[2]

Third Party Complaints

The Office of the Consumer Advocate actively worked twenty-one (21) third party cases in 2020. The results of said cases are as follows:

A total of $13,646.58 was awarded directly to West Virginia Consumers in the form of settlements in five (5) of the consumer complaints.

In seven (7) consumer complaint cases, the consumer opted to obtain private counsel for representation.

One (1) consumer complaint cases went to a hearing before a WVOIC Hearing Examiner. The Consumer did not prevail at that hearing.

In two (2) consumer complaint cases, the Consumer failed or declined to request representation.

Six (6) consumer complaint cases are still pending and/or are still awaiting hearing.

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[2] A detailed breakdown of the work performed by the Office of the Consumer Advocate each week is available for review.

THIRD PARTY COMPLAINTS

HANDLED BY THE OFFICE OF THE CONSUMER ADVOCATE IN 2020

RESPONDENT	THIRD PARTY COMPLAINTANT	RESOLUTION
Old Republic Insurance Company	Alice Garcia	Settled
Cincinnati Insurance Company	William Garrison	Pending
Cincinnati Insurance Group	Scott Otwell	Private counsel
Erie Insurance Exchange	Jennifer Huey	Settled
Government Employees Insurance Company	Donald Grimm	Consumer retained private counsel
State Farm Mutual Automobile Insurance Company	Allen Carte	Consumer failed to request representation
Nationwide Insurance Company of America	Linette Johnson	Consumer retained private counsel
Allstate Property & Casualty Insurance Company	Vickie Sexton	Consumer failed to request representation
Allstate Insurance Company	Jessica Williams	Settled
Safeco Insurance company	Rose Strickland-Constable	Consumer retained private counsel
Farmers Insurance Company	Bill Wildman	Settled
State Farm Mutual Automobile Insurance Company	Linwood Hamilton	Pending
State Farm Mutual Automobile Insurance Company	April Izcoa	Consumer retained private counsel
State Farm Mutual Automobile Insurance Company	Judie Norman	Consumer retained private counsel
Allstate Insurance Company	Allen Cale	Retained private counsel
Atlantic Specialty Insurance Company	William Garrison	Pending
Atlantic Specialty Insurance Company	William Garrison	Pending
National Union Fire Insurance Company of Pittsburg, Pa.	Nayyar Abbas	Hearing examiner ruled against consumer after a hearing
Allstate Property & Casualty Insurance Company	Natala Auvil	Pending
State Farm Mutual Insurance Company	Janette Adkins	Pending
St. Paul Fire & Marine Insurance Company	Heather VanScyoc	Settled

First Party Complaints

The Office of the Consumer Advocate actively worked (4) first party cases in 2020. The results of said cases are as follows:

In one (1) consumer complaint case, the consumer opted to obtain private counsel for representation.

In one (1) consumer complaint case, the Consumer failed or declined to request representation.

In two (2) consumer complaint case, the matters are still pending and are either awaiting hearing or are awaiting final order or appealed to Circuit Court.

FIRST PARTY COMPLAINTS
HANDLED BY THE OFFICE OF THE CONSUMER ADVOCATE IN 2020

RESPONDENT	FIRST PARTY COMPLAINTANT	RESOLUTION
Liberty Mutual General Insurance Company	Rhonda Short	Consumer failed to request representation
Hartford Insurance Company	Joyce Hart	Consumer retained private counsel
State Farm Mutual Automobile Insurance Company	Vincent DiChiacchio	Pending
Municipal Mutual Insurance Company	Ilse Burris	Pending

Certificate of Need Review

The Office of the Consumer Advocate participated in the review of Certificate of Need (CON) applications before the Health Care Authority. All health care providers must obtain a CON from the West Virginia Health Care Authority to develop, add, or acquire new health care facilities and equipment. The Office of the Consumer Advocate

reviews all CON applications and may intervene for the interests of West Virginia residents in the Health Care Authority's CON review process. The Office of the Consumer Advocate carefully reviewed and considered the following 96 CON applications:

CERTIFICATE OF NEED - January 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Community Hospices of America, L.L.C. dba Hospice Compassus – Southern West Virginia	19-1-1136-Y	Multistate corporate reconstructing and stock acquisition transaction	$10,521,500.00
Prompt Care, Inc.	19-1-11772-P	Ambulatory care center/primary care office	$200,000.00
Monongalia County General Hospital Company	19-6-11773-P	Ambulatory health care facility	$250,000.00
Orion US Holdings, Inc. Genesis Specialist Care UK Limited, Genesis Care Finance Pty Ltd, and Genesis Care Pty Ltd	19-1/4/9-11771-A	Acquisition of 21st Century Oncology Holdings, Inc.	$16,088,182.00
United Hospital Center, Inc.	19-6-11770-H	Hospital Tower Addition	$17,670,000.00
SunBridge Salem Health Care, LLC d/b/a Salem Center	19-6-11742-X	Transfer of skilled nursing beds	$0 (exemption)
Center for Service Coordination, LLC	20-8/9-11776-BH	Service Coordination Agency, Title XIX IDDW Provider	$6,900.00
E.A. Hawse Health Center, Inc.	19-8-11751-X	School-based behavioral health clinic at Hampshire High School	$0 (exemption)
E.A. Hawse Health Center, Inc.	19-8-11754-X	Expansion of the Grove Street Health Center	$0 (exemption)
E.A. Hawse Health Center, Inc.	19-8-11753-X	School-based behavioral health clinic at Romney Elementary School	$0 (exemption)
E.A. Hawse Health Center, Inc.	19-8-11752-X	School-based behavioral health clinic at Romney Middle School	$0 (exemption)
Tug River Health Association, Inc.	19-1-11755-X	Tug River Mobile Health Unit Project	$0 (exemption)
Wetzel County Hospital, Inc.	20-10-11779-H	Lease of a health care facility	$12,500,000.00

Community Hospices of America, L.L.C. d/b/a Hospice Compassus – Southern West Virginia	19-1-11736-Y	Corporate restructuring and stock acquisition	$10,521,500.00
St. Joseph's Hospital of Buckhannon, Inc.	20-7-11792-P	Podiatric and Orthopedic Outreach Clinic	$10,000.00

CERTIFICATE OF NEED – February 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
SweetBriar Assisted Living, LLC	20-3-11782-X	Addition of five resident rooms	$0 (exemption)
CCGEN Holdings Subholdco LLC	20-6-11783-X	Indirect acquisition of real property associated with Madison Center	$0 (exemption)
CCGEN Holdings Subholdco LLC	20-6-11785-X	Indirect acquisition of real property associated with Rosewood Center	$0 (exemption)
CCGEN Holdings Subholdco LLC	20-4-11784-X	Indirect acquisition of real property associated with Pocahontas Center	$0 (exemption)
CCGEN Holdings Subholdco LLC	20-3-11786-X	Indirect acquisition of real property associated with Teays Valley Center	$0 (exemption)
CCGEN Holdings Subholdco LLC	20-2-11787-X	Indirect acquisition of real property associated with Heritage Center	$0 (exemption)
CCGEN Holdings Subholdco LLC	20-5-11789-X	Indirect acquisition of real property associated with Sistersville Center	$0 (exemption)
CCGEN Holdings Subholdco LLC	20-11-11788-X	Indirect acquisition of real property associated with Brightwood Center	$0 (exemption)
War Memorial Hospital, Inc.	19-9-11768-X	Acquisition and utilization of MRI scanner	$0 (exemption)
Fairmont Regional Medical Center	19-6-11775-X	Inpatient acute medical detox unit	$0 (exemption)
Wetzel County Hospital	20-10-11798-P	Wetzel County Hospital Pediatrics	$78,000.00
Recovery Resource Group	20-2-11791-X	Outpatient behavioral health facility Huntington, WV	$0 (exemption)
Daily Business Solutions	20-9-11803-BH	Independent Case Management/Accounting/Human Resources	$0
Mountain Living Community, Inc.	20-7-11793-X	Assisted living facility in Barbour County	$0 (exemption)
UPMC Western Maryland Corporation	20-8-11806-P	Reopening of the Hunt Club Medical Clinic	$75,000.00

CERTIFICATE OF NEED – March 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
ICF/IID Transitional Home	20-3-11813-BH	Diversified Assessment & Therapy Services ICF/IID Home	$245,000.00
Camden-Clark Memorial Hospital Corporation	20-5-11812-P	WVU medicine/diagnostics	$98,000.00
The Village at Riverview	20-2-11805-X	26 additional assisted living units	$0 (exemption)
Lily's Place	20-2-11811-X	Outpatient behavioral health services	$0 (exemption)
Tupelo Holdings, LLC	20-6-11810-X	Acquisition of real property of Taylor Health Care Center	$0 (exemption)
Potomac Valley Hospital	20-8-11804-X	Outpatient behavioral health services	$0 (exemption)
EWV Holdings, LLC	20-5-11802-X	Licensed operator of Elizabeth Care Center	$0 (exemption)
REM West Virginia	20-4-11822-BH	ICF/IID 4 bed facility	$200,000.00
Stonerise Home Health Services 2 LLC	20-7-11820-A	Acquisition of existing home health services	$290,000.00
St. George Medical Clinic, Inc.	20-7-11808-X	Physical therapy services	$0 (exemption)

CERTIFICATE OF NEED – April 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Braxton County Memorial Hospital	20-7-11823-P	Braxton County Health Center Relocation	$10,000.00
Cavalier Mobile X-Ray Co.	20-WV-11832-P	Service Area Expansion	$143,000.00
Focused on You, LLC	20-2/3-11833-BH	Title XIX IDD Waiver Service Coordination/Case Management Agency	$10,000.00
West Virginia University Hospitals, Inc.	20-6-11821-X	Transfer of nursing beds	$0 (exemption)
Clean & Clear Advantage, LLC	20-5-11818-X	Residential alcohol and drug treatment facility	$0 (exemption)
REM West Virginia	20-4-11831-BH	ICF/IID 4 bed facility	$200,000.00
Mon Health Marion Neighborhood Hospital, Inc.	20-6-11824-H	Construction of new hospital	$25,000,000.00

CERTIFICATE OF NEED - May 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Ten Up Ministries, Inc. d/b/a The Anchor Project Center	20-2-11834-X	Outpatient substance abuse treatment program	$0 (exemption)
Parkersburg Addiction recovery, LLC d/b/a Peer Solutions	20-5-11825-X	Outpatient behavioral health center	$0 (exemption)
United Hospital Center, Inc.	20-5-11835-Z	Home Health Expansion Tyler County	$10,000.00
West Virginia University Hospitals, Inc.	20-6-11828-H	Fairmont Gateway Medical Center	$35,300,000.00
West Virginia University Hospitals, Inc.	20-6-11827-H	Fairmont Medical Center	$8,790,000.00
United Hospital Center, Inc.	20-5-11836-Z	Home Health Expansion Roane County	$10,000.00
United Hospital Center, Inc.	20-4/7/8-11837-Z	Home Health Expansion Grant, Pocahontas, Randolph and Tucker Counties	$10,000.00
Harmony Behavioral Health	20-10-11841-X	Behavioral health and substance abuse services	$0 (exemption)
Burlington United Methodist Family Services, Inc.	20-8-11840-X	32-bed long-term substance abuse recovery program	$0 (exemption)

CERTIFICATE OF NEED – June 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
THS Physician Partners, Inc.	20-3-11853-P	Thomas Health Primary Care in St. Albans	$45,000.00
St. Mary's Medical Center, Inc.	20-2-11852-P	Acquisition of HIMG	$10,500,000.00
Reconnection, LLC	20-2-11842-X	Behavioral health facility in Huntington, WV	$0 (exemption)
Lighthouse Resources, Inc.	20-2/3-11864-BH	Title XIX IDD Waiver Services Agency	$10,000.00
Oak Hill Clinic Corp. d/b/a Plateau Medical Group	20-1-11863-P	Development of physician practice ambulatory care center	$10,000.00

CERTIFICATE OF NEED - July 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Berkeley Medical Center	20-9-11878-P	Shepherdstown Imaging Services	$375,000.00
Preston Memorial Hospital Corporation	20-6-11888-P	Establishment of ambulatory health care facility	$225,000.00
Monongalia County General Hospital Company	20-6-11887-P	Establishment of ambulatory health care facility	$375,000.00
Pocahontas Memorial Hospital	20-4-11889-H	Renovation and expansion of hospital	$9,500,000.00
Burlington United Methodist Family Services, Inc.	20-8-11847-X	Expansion/operation of substance abuse recovery program	$0 (exemption)
Williamson Health and Wellness Center, Inc.	20-2-11850-X	Development of residential treatment unit	$0 (exemption)
Lifeline Addiction Specialists, PLLC	20-3-11845-X	Development of office-based medication assisted treatment program	$0 (exemption)
House of Grace LLC	20-2-11848-X	Development of House of Grace Treatment Center	$0 (exemption)
Rainelle Medical Center	20-4-11854-X	Development of RMC Greenbrier Nephrology Center	$0 (exemption)

CERTIFICATE OF NEED - August 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Right at Home	20-2-11894-PC	In-home care services	$5,000.00
Davis Medical Center	20-7-11906-P	Davis Shop and Save Clinic	$120,000.00
Contemplations Behavioral Health Services	20-2-11855-X	Intensive outpatient treatment program for mental health	$0 (exemption)

CERTIFICATE OF NEED - September 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Charleston Area Medical Center, Inc.	20-4-11917-H	Ambulatory Health Care Facility	
Linx Community Services, LLC	20-1/2/3/6-11918-BH	Behavioral Health Services Mercer & Raleigh Counties	$0
Hometown Care LLC	20-4/5/6/7/8/10-11923-BH	Behavior Health	$0
Senior Home Care d/b/a Home Care Assistance	20-3-11919-PC	PC Services through WV Medicaid	$0
Preston Memorial Hospital Corporation	20-6-11920-P	Ambulatory Health Care Facility	$0

CERTIFICATE OF NEED - October 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Encompass Health Rehabilitation Hospital of Huntington	20-2-11927-B	Additional inpatient rehabilitation beds	$4,840,000.00
Boone Memorial Hospital, Inc.	20-3-11958-P	Ambulatory care center	$10,000.00
Potomac Valley Hospital	20-8-11959-P	Acquisition of Keyser Physician Practice	$150,000.00
Ronceverte Physician Group, LLC	20-4-11963-A	Acquisition of Valley Medical Associates	$66,500.00
Ronceverte Physician Group, LLC	20-4-11963-A	Acquisition of Valley Medical Associates	$66,500.00

CERTIFICATE OF NEED - November 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Monongalia Health System, Inc.	20-6/7-11966-A	HealthWorks Rehab & Fitness	$4,500,000.00
Pegasus Home Healthcare, LLC	20-6-11980-Z	Skilled home healthcare agency	$1,500.00
West Virginia University Hospitals, Inc.	20-6-11984-H	Addition of acute care beds	$4,815,000.00

CERTIFICATE OF NEED - December 2020

FACILITY	CON NO.	REQUEST	CAPITOL EXPENDITURE
Kanawha Hospice Care, Inc.	20-3-11992-Z	Home Health Services in Putnam County, WV	$29,000.00
Berkeley Medical Center	20-9-12005-H	NICU Level III Services	$11,000.00
United Physicians Care, Inc.	20-6-12006-P	Acquisition of Medpointe Family Medicine	$305,000.00

Conclusion

The Office of the Consumer Advocate continues to remain dedicated to providing consumer protection and promoting consumer awareness. Further, the Office of the Consumer Advocate will track trends in the insurance industry and educate West Virginia insurance consumers regarding insurance issues and practices. The Office of Consumer Advocate remains a remarkable resource for West Virginia insurance consumers and will continue to do everything possible to protect citizens and advocate for a fair and accessible insurance marketplace for everyone.

Dennis V. Garrison, III, Director (State Bar No. 8546)
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STATE OF WEST VIRGINIA
Offices *of the* Insurance Commissioner

James A. Dodrill
Insurance Commissioner

January 8, 2021

The Honorable James C. Justice, III
Governor, State of West Virginia
Office of the Governor
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Governor Justice:

Pursuant to W.Va. Code §33-2-16 (d), I am pleased to submit the annual report on the activities of the Office of the Consumer Advocate at the WV Insurance Commission for calendar year 2020. Should you have any questions please contact me at 304-558-3864.

Respectfully,

Dennis V. Garrison III, Director
Office of the Consumer Advocate

DVG/vms

cc: Aaron Allred, Legislative Manager (via post on Auditor's Agency Report site)
James Dodrill, Insurance Commissioner
Clerk of the Senate (via email senate.clerk@wvsenate.gov)
Clerk of the House of Delegates (via email house.clerk@wvhouse.gov)