

Spotlight on State: West Virginia

This is part of a [series of summaries](#) that highlight notable legislation and initiatives in health policy and reform of all 50 states. Check back on The Source as we roll out additional states each week.

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West Virginia has made progress in healthcare price transparency on several fronts, including implementing an all-payer claims database, passing legislation easing access to medical records, and creating annual financial disclosure requirements for facilities in order to determine the reasonableness of healthcare costs among providers. The state earns a high grade in providing statutory protections for patients against surprise billing for emergency services, although none exist for non-emergency services. The legislature also introduced a bill that would establish a Right to Shop program to require insurance carriers to develop health care transparency tools, allowing patients to search for the highest value health care.

In the healthcare markets, West Virginia closely regulates hospital prices, requiring hospitals to submit all changes and amendments to hospital charges for approval. However, the state does not have a strong merger review law, as only notice to the certificate of need program is required for healthcare provider transactions. The law further provides that financially distressed hospitals are exempted in acquisition proceedings from going through the traditional CON process. Additionally, competition in the insurance market is weak, as only one carrier (Highmark) issued qualified health plans on the individual insurance market until CareSource joined the exchange in 2016, and premiums for employer-sponsored plans in

West Virginia are some of the highest in the country.

West Virginia had joined a growing number of states that aim to reduce the cost of prescription drugs by increasing transparency around pricing. In recent terms, West Virginia introduced a number of legislation aimed at reducing consumer cost-sharing for pharmaceuticals. The state successfully enacted the Pharmacy Audit Integrity and Transparency Act, which provides that a pharmacy may inform consumers of lower cost alternatives and cost share to assist health care consumers, and penalizes any pharmacy benefit managers that attempt to prohibit such disclosure. The legislature also successfully expanded the authority to regulate pharmacy benefit managers by expanding the Pharmacy Audit Integrity Act and Fairness in Cost-Sharing Calculation Act.