



# PEIA Benefit Coordinator/WCC Policy

Legal/Compliance  
Responsible Parties: General Counsel  
Date Created: 02/24/2022 Date Approved: 03/01/2022  
Effective Date: 04/11/2022  
Reviewed:  
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## 1. POLICY

West Virginia Public Employees Insurance Agency (PEIA) depends upon Benefit Coordinators in its relationships with participating Employers to facilitate the delivery of insurance to employees.

This Policy shall apply to West Virginia Public Employees Insurance Agency, (“PEIA”) and Benefit Coordinators.

## 2. DEFINITIONS

Unless otherwise stated, specific terms used in this Policy or any related procedures developed in accordance with this Policy shall have the same definitions specified within the PEIA Summary Plan Description.

“**Benefit Coordinator**” means a person assigned by the participating Employer agency who is responsible for the employer’s duties under Plan rules with regard to enrollment, changes in status, terminations, and other plan matters.

“**DOA**” means the West Virginia Department of Administration – the Cabinet Level Department which oversees PEIA operations

“**Employee**” means an Employee of a participating Employer as defined in West Virginia Code §5-16-2(3)

“**Employer**” means a participating Employer as defined in West Virginia Code §5-16-2(4)

“**General Counsel**” means the PEIA’s General Counsel or his or her designee.

“**HIPAA**” means the Health Insurance Portability and Accountability Act of 1996 Public Law 104-191 – Federal law which protects the confidentiality, privacy, security, and integrity of protected health information.

“**Privacy Act of 1974**” as amended, 5 U.S.C. § 552a, establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records.



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“**Title 42 CFR, Part 2**” is the Federal law that governs the confidentiality and privacy of mental health and/or substance abuse records.

**WCC – Web Contribution Coordinator** means a person assigned by the participating Employer Agency who is responsible for the employer’s duties under Plan rules with regard to the payment of Employer Agency and/or member premiums

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### 3. PROCEDURES

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1. Benefit Coordinators are not employees of PEIA.
  2. Benefit Coordinators agree and understand that their Employer Agency is an entity that is either allowed, or required to participate in an “Employer Sponsored Health Plan” where the “Employer Sponsor” is the State of West Virginia. The individual participating Employer Agency is not the “Employer Sponsor” and has no rights as such.
  3. Benefit Coordinators must understand that PEIA is an Employer Sponsored health plan based on the laws of the State of West Virginia and is not subject to oversight nor compliance with law(s), rule(s), or regulation(s) of other states or foreign sovereigns if the Employee member lives outside the State of West Virginia or the United States. PEIA does comply with applicable federal law(s).
  4. Benefit Coordinators should understand that PEIA is a non- Employee Retirement Income Security Act of 1974 (ERISA) Plan.
  5. A PEIA participating Employer may have as many Benefit Coordinators as it deems necessary, but all identified Benefit Coordinators must be registered with PEIA and must complete the requisite training.
  6. Benefit Coordinators shall serve as the primary point of contact between the Employee member and PEIA. Nothing shall prohibit an Employee member from directly contacting PEIA regarding any concerns about their coverage.
  7. Benefit Coordinators may also serve as Web Contribution Coordinators (WCCs) for their participating Employer Agency. An Employer Agency may have as many WCCs as it deems necessary.
  8. Benefit Coordinators and WCC’s are provided training – either in person or on-line – in relation to the performance of the duties with respect to the handling of PEIA insurance.
  9. Benefit Coordinators must understand that all information pertaining to the enrollment, management, termination, or payment for PEIA insurance is regulated under applicable provisions of the Health Insurance
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- Portability and Accountability Act of 1996. Benefit Coordinators may not share this information with unauthorized or non-HIPAA-trained persons.
10. Other information that Benefit Coordinators may have access to such as life insurance information, dependent information, etc., may be regulated under other State and/or federal privacy laws, rules, regulations and/or statutes such as: the Privacy Act of 1974; Title 42, Part 2 CFR; FCCRA; ERISA; the Social Security Act; and others
  11. Benefit Coordinators and WCCs shall have access to support from the following within PEIA:
    - a. PEIA Benefit Coordinator Liaison
    - b. PEIA Communications Director
    - c. PEIA Eligibility Staff
    - d. The PEIA Eligibility Supervisor
    - e. PEIA Premium Accounts Staff
    - f. The PEIA Premium Accounts Supervisor
    - g. The PEIA Privacy & Security Officer
  12. Benefit Coordinators and WCC's shall have the additional support and reference from:
    - a. The PEIA Shopper's Guide
    - b. The PEIA Summary Plan Description (SPD)
    - c. PEIA Training updates
    - d. The PEIA Website
    - e. PEIA's Benefit Coordinator Reference Manual
    - f. The PEIA website with access to documents and other resources
    - g. Designated PEIA vendor representatives
  13. If a Benefit Coordinator or WCC has a question or concern about a specific plan issue or member concern, they are encouraged to seek guidance from PEIA staff before advising a member or dependent.
  14. Benefit Coordinators will be assigned access to PEIA's benefits management portal to facilitate the performance of their duties. Access to this portal is a privilege and not a right.
  15. Web Contribution Coordinators will be assigned access to PEIA's web contributions payment management portal to facilitate the performance of their duties. Access to this portal is a privilege and not a right.
  16. Benefit Coordinators and WCC's accessing the portals are subject to the security rules and provisions of that portal. Failure to following those security rules and provisions may result in the termination of access privileges. The Security notices for the portals are clearly posted prior to entering. PEIA reserves the right to update, alter, or otherwise enhance the security features or policies of the portal.
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17. Benefit Coordinators and WCC's may not share their access credentials or privileges with any third party.
  18. Benefit Coordinators and WCC's will need to have a unique user e-mail address that is theirs and theirs alone. PEIA cannot allow access to "generic" or "ghost" e-mails such as, [clerk@anytownwv.com](mailto:clerk@anytownwv.com) or [BC@wvstate.com](mailto:BC@wvstate.com) or [benefitsguy@myagency.com](mailto:benefitsguy@myagency.com). HIPAA rules on the "Accountability of Disclosures" require that PEIA be able to account for and identify the specific individuals who access a member's information and when. "Shared" e-mail addresses or mailboxes accessible by non-authorized parties are not permissible for use in conducting PEIA business.
  19. Benefit Coordinators will note that Enrollment Forms, Change-In-Status forms, and other PEIA documents contain an attestation for the Benefit Coordinator to acknowledge that they affirm that the information on the form is true and correct. Benefit Coordinators should not sign any forms that they believe are not fully truthful and correct. Example: An employee marks that they are "tobacco free" but the Benefit Coordinator knows this is not the case.
  20. Plan eligibility rests solely with PEIA. Applications for coverage, Change-In-Status forms, and other enrollment forms must: (a) contain the requisite information and supporting documentation, e.g. birth certificates, marriage certificates, Guardianship Orders, divorce decrees, etc., and; (b) be filed with PEIA in a timely manner. Determinations of Plan Eligibility rest solely with PEIA or, in the case of supporting benefits such as life insurance, with its contracted partner. Failure to immediately report events which end or affect eligibility, such as employment terminations, divorce, incarceration, removal of children from a home, etc. may result in PEIA's seeking repayment of claims paid on behalf of ineligible Employee members or dependents.
  21. If the policyholder member meets his/her obligation(s) to immediately report events to their Employer agency that affect eligibility, such as a divorce, and the Employer agency does not report the event(s) to PEIA, the Employing agency shall be responsible for reimbursing PEIA for any and/or all medical and/or pharmacy claims paid on behalf of ineligible dependents. It shall be the policyholder member's responsibility to provide proof to PEIA that they reported the eligibility event as required in the PEIA Summary Plan Description.
  22. PEIA reserves the right to administratively terminate or cancel coverage for dependents or Employee members that it has confirmed are no longer eligible for coverage under the Plan.
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23. PEIA is under no obligation to: (a) grant retroactive coverage to an Employee member or dependent, or (b) pay any claims for an Employee member or dependent, or; (c) make any other modifications or adjustments to coverage if there was a breach of duty as outlined in Item #17 above by the Benefit Coordinator or Employer agency.
  24. Benefit Coordinators should never “backdate” documents.
  25. When submitting documents to PEIA, unless otherwise specified, PEIA requires a “true and correct” copy of the document(s). Partial and/or incomplete submissions are not acceptable.
  26. When submitting documents to PEIA, “pictures” and/or photographs of legal documents are not acceptable as they are not, “true and correct” copies of originals. “True and Correct” copies would be considered copied and/or scanned to PDF formats. Legal documents include, but are not necessarily limited to:
    - Enrollment forms
    - Change In Status Forms
    - Retirement Paperwork
    - Termination forms
    - Life Insurance forms
    - Powers of Attorney
    - Premium Assistance forms and supporting documents
    - Guardianship paperwork
    - Divorce decrees – PEIA only requires the first and last page
    - Marriage certificates
    - Birth certificates
    - National Medical Support Notices
    - Visas/Immigration documents
    - Adoption documents
    - Other
  27. PEIA will accept legible, unaltered photos of the following:
    - Medicare cards
    - Social Security Cards
    - Employee Identification cards
  28. Benefit Coordinators can enter life insurance beneficiary information in the benefits management portal at the time of an Employee’s initial enrollment in the Plan, but they shall have no authority to change or alter beneficiaries once a member is enrolled. It is the Employee member’s sole responsibility to change, alter, or amend life insurance beneficiaries.
  29. Benefit Coordinators and their Employer agency(ies) are required to
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- provide to PEIA documents related to Employee members or the agency’s participation in PEIA upon request.
  - 30. Benefit Coordinators may share and/or exchange information with PEIA for purposes of enrollment, changes in status, terminations, and other PEIA plan matters without the signed consent of the policyholder members under the meaningful use provisions of HIPAA as it relates healthcare operations. Conversely, PEIA can share policyholder and/or dependent information with Benefit Coordinators as it directly relates to the meaningful use of healthcare operations.
  - 31. Any and/or all documents submitted to PEIA in support of member or dependent eligibility must be in English. It is the member’s responsibility to have any need translations completed.
  - 32. PEIA recognizes that a member may not be available to sign a form or document, or that they may refuse to sign a form or document. If this is the case, the Benefit Coordinator should clearly document, “Member unable to sign” with a reason as to why and/or how attempts were made to contact the member, OR document that the member “REFUSED TO SIGN”. Changes to insurances may result in legal challenges and any non-member signed documents prompting change must document as to why the member was not given the opportunity to provide informed consent.
  - 33. PEIA may notify a Benefit Coordinator if it receives a valid National Medical Support notice (typically related to child support) compelling the adding of coverage for either the member or eligible dependents. PEIA reserves the right to administratively add coverage as required by said Orders.
  - 34. PEIA may notify a Benefit Coordinator of and for an agency if it has reason to believe that an Employee member has violated the rules or policies of the Plan. PEIA, to the extent possible by law or policy, keeps the Employer agency informed of any inquiry, investigation, or audit of an Employee member’s situation.
  - 35. Neither PEIA nor its General Counsel can provide Benefit Coordinators, participating Employer agencies, or Employee members legal advice. PEIA can provide guidance on how particular situations or cases are applied in terms of the applicable PEIA policies, procedures, rules, or law.

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**3. ADDITIONAL GUIDANCE**

**West Virginia Code §5-16-2. Definitions**

(4) "Employer" means the State of West Virginia, its boards, agencies, commissions, departments, institutions, or spending units; a county board of

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*education; a public charter school established pursuant to §18-5G-1 et seq. of this code if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance Program; a county, city, or town in the state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any comprehensive community mental health center or intellectually and developmentally disabled facility established, operated or licensed by the Secretary of Health and Human Resources pursuant to §27-2A-1 of this code and which is supported in part by state, county or municipal funds; a combined city-county health department created pursuant to §16-2-1 et seq. of this code; and a corporation meeting the description set forth in §18B-12-3 of this code that is employing a 21st Century Learner Fellow pursuant to §18A-3-11 of this code but the corporation is not considered an employer with respect to any employee other than a 21st Century Learner Fellow. Any matters of doubt as to who is an "employer" within the meaning of this article shall be decided by the director. The term "employer" does not include within its meaning the National Guard.*

**West Virginia Code §5-16-12a. Inspections; violations and penalties.** Part (a) *Employers and employees participating in any of the Public Employees Insurance Agency plans shall provide, to the director, upon request, all documentation reasonably required for the director to discharge the responsibilities under this article. This documentation includes, but is not limited to, employment or eligibility records sufficient to verify actual full-time employment and eligibility of employees who participate in the Public Employees Insurance Agency plans.*

**West Virginia Code §5-16-12a. Inspections; violations and penalties.** – Part (e) *Only authorized employees or agents shall have access to confidential data or systems and applications containing confidential data within the Public Employees Insurance Agency.*

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**5. AUTHORITY/REFERENCE**

1. West Virginia Code 5-16-1 et seq
  2. W. Va. Code §5A-8-21
  3. PEIA Summary Plan Description
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4. PEIA Plan Document
  5. Public Health Services Act, as amended, P.L. 117-81
  6. 42 U.S. Code Chapter 6A - PUBLIC HEALTH SERVICE
  7. The Health Insurance Portability and Accountability Act of 1996 (HIPAA)
  8. Title 42 CFR, Part 2
    - a. Subpart A - Introduction (§§ 2.1 - 2.4)
    - b. Subpart B - General Provisions (§§ 2.11 - 2.23)
    - c. Subpart C - Disclosures With Patient Consent (§§ 2.31 - 2.36)
    - d. Subpart D - Disclosures Without Patient Consent (§§ 2.51 - 2.53)
    - e. Subpart E - Court Orders Authorizing Disclosure and Use (§§ 2.61 - 2.67)

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**5. ASSOCIATED FORMS**

PEIA forms and Downloads: <https://peia.wv.gov/Forms-Downloads/Pages/default.aspx>

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