

LYNCH & ASSOCIATES P.C.

Claims Handling for West Virginia Property & Casualty Insurance

ACT TO BE PERFORMED	COMPLIANCE TIMEFRAME	REFERENCE
Notify first party claimant and the provider(s) of services covered under accident and sickness insurance and hospital and medical service corporation insurance policies whether the claim has been accepted or denied and the reasons therefore. Notice to the claimant is not required should benefits be assigned. Notice to the health care provider is not required if benefits are payable directly to the claimant.	Within 15 calendar days from the filing of the proof of loss	W. Va. Code § 33-11-4(9)(o)
Notify first party claimant in writing that more time is needed to investigate the claim	Within 15 calendar days from the date of the initial notification and every 30 calendar days thereafter, but no more than 90 calendar days from the first party claimant's filing of the proof of loss unless there is a dispute as to coverage, liability or damages, or the claimant has fraudulently caused or contributed to the loss	W. Va. Code § 33-11-4(9)(o)
All communications and transactions emanating from or received by the insurer shall be dated by the insurer. A notation of the substance and date of all oral communications shall be contained in the claim file. Insurers shall either make a notation in the file or retain a copy of all forms mailed to claimants.	Not specified	WV ADC 114-14-3
Acknowledge receipt of notification of claim. If acknowledgment is not made in writing, notate and date acknowledgment in claim file.	Within 15 working days of receiving notification unless full payment is made during that period of time	WV ADC 114-14-5.1
Furnish the Insurance Commissioner with a complete written response to an inquiry other than a notice of third-party administrative complaint	Within 15 working days of the date appearing on the inquiry	WV ADC 114-14-5.2
Reply to all other pertinent communications from a claimant which reasonably suggest that a response is expected	Within 15 working days of receipt of the communication	WV ADC 114-14-5.3
Provide necessary claim forms, instructions, and reasonable assistance to first-party claimants	Promptly upon receiving notification of a claim. If compliance is within 15 working days of notification of a claim, this satisfies the acknowledgment requirement above.	WV ADC 114-14-5.4
Commence investigation of any claim filed by a claimant or a claimant's authorized representative	Within 15 working days of receipt of notice of claim	WV ADC 114-14-6.2(a)

Provide to every first-party claimant or to the claimant's authorized representative a notification of all items, statements and forms, if any, which the insurer reasonably believes will be required of such claimant	Within 15 working days of receiving notice of the claim	WV ADC 114-14-6.2(b)
Deny the claim in writing or make a written offer, subject to policy limits and, with respect to medical professional liability claims, subject to applicable statutory requirements	Within 10 working days of completing investigation	WV ADC 114-14-6.3
Notify the claimant in writing if more than 30 calendar days from the date that a proof of loss from a first-party claimant or notice of claim from a third-party claimant is received are needed to determine whether a claim should be accepted or denied, setting forth the reasons additional time is needed	Within 15 working days after the 30-day period expires	WV ADC 114-14-6.7
If investigation remains incomplete, provide written notification of the delay to the claimant setting forth the reasons additional time is needed for investigation	Every 45 calendar days until the investigation is complete	WV ADC 114-14-6.7
Pay any amount finally agreed upon in settlement of all or part of any claim	Not later than 15 working days from the receipt of such agreement or the date of the performance by the claimant of any condition set by such agreement, whichever is later	WV ADC 114-14-6.11
Give the first-party claimant who is not an attorney nor represented by an attorney written notice that the claimant's rights may be affected by a statute of limitations or a policy or contract time limit	Not less than 30 days before the date on which such time limit expires	WV ADC 114-14-6.12
Give the third-party claimant who is not an attorney nor represented by an attorney written notice that the claimant's rights may be affected by a statute of limitations or a policy or contract time limit	Not less than 60 days before the date on which such time limit expires	WV ADC 114-14-6.12
If any element of a physical damage claim arising under motor vehicle collision and comprehensive coverage remains unresolved more than 15 working days from the date of receipt of proofs of loss, provide insured with a written explanation of the specific reasons for the delay in the claim settlement unless reasonable grounds exist to suspect fraud or arson	Not specified for initial explanation but every 30 calendar days thereafter until all elements of the claim are either honored or rejected	WV ADC 114-14-7.5

(Current as of August 2008) - **This chart is not to be used as a substitute for reviewing the actual statutes and regulations.**