

WEST VIRGINIA LEGISLATURE
LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN
RESOURCES ACCOUNTABILITY

2011- 2012 Interims

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Senator Stollings, Chair
Senator Foster
Senator Laird
Senator Unger
Senator Wills
Senator Boley
Senator Hall
Senator (President) Kessler -Ex
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Delegate Moore
Delegate Moye
Delegate Staggers
Delegate Rodighiero - Nonvoting
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Officio

Final Report of
LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN
RESOURCES ACCOUNTABILITY

The Legislative Oversight Commission on Health and Human Resources Accountability was appointed pursuant to the provisions of West Virginia Code §16-29E-1, *et seq.* following the 2011 Regular Session of the 80th Legislature.

During the 2011-2012 interim period the Legislative Oversight Commission on Health and Human Resources Accountability met and received information on various topics of study and other important healthcare and human services issues from state agencies, political subdivisions, advocacy groups and other pertinent sources. The Commission was assigned three study topics during the 2011-2012 interim period. These topics were:

HCR 141 - Requesting Joint Committee on Government and Finance study the feasibility of including pregnant women in the CHIP coverage.

HCR 142 - Requesting Joint Committee on Government and Finance study the timely delivery of medication testing procedures to nursing home patients who are in transition.

HCR 144 - Requesting Joint Committee on Government and Finance study the feasibility of requiring the Department of Health and Human Resources to annually review rates of its various provider reimbursements on an annual basis.

Topics of discussion before the Commission included:

JUNE INTERIMS

Ann McDaniel, Director, Statewide Independence Council, presented the state plan for the program as required by federal law.

JULY INTERIMS

Tom Susman, President of the Susman Group, LLC, representing the Behavioral Healthcare Association discussed Medicaid rates and the effects of inflation and increases in the cost of providing Behavioral Health Services.

Chris Hall, WV EMS Coalition Emergency Ambulance Service Authority, spoke on the effects of gasoline increases and the last rate increase being in 2000 for the Emergency Medical Services.

Tina Bailes, Deputy Commissioner of the Bureau for Medical Services, Department of Health & Human Resources spoke on the potential reporting on Reimbursement Issues.

In response to these discussions, a reporting system is being developed and rate changes will be reported annually beginning in the upcoming year. This report will also include the date of the last rate increase for each entity. It is **RECOMMENDED** that this Commission review information annually to better determine the adequacy of certain rates.

Michael Lewis, Cabinet Secretary, Department of Health & Human Resources, also spoke on changes occurring in Public Health.

AUGUST INTERIMS

Sheila Kelly, Licensed Psychologist, Special Assistant Office of the Court Monitor spoke about case management order, over bedding in the state hospital system and the court order related to traumatic brain injury.

It is **RECOMMENDED** that yearly updates on these issues be done for the Commission.

OCTOBER INTERIMS

The Commission focused on HCR 142 which requested a study of medication availability and testing availability for nursing home patients during a transition. The following entities spoke on this issue:

Locke Wysong, former West Virginia House of Delegates Member, discussed the concerns and personal experiences with his father, that caused him to initiate HCR 142. This resolution asked that a study be done to ensure that patients entering a nursing home from another setting have access to needed medication immediately.

Beth Divelbliss, Director of Clinical Services, West Virginia Health Care Association,

spoke on the expectations and regulations in nursing homes dealing with HCR 142.

Jim Kranz, Vice President, Professional Activities, West Virginia Hospital Association, spoke on the responsibilities concerning patients transitioning out of hospitals.

The Health Care Association has reviewed their policies and has provided training to the nursing homes. It has determined that policies are written to cover such situations and that this problem is not a systemic one but a human one. Continuing training will be provided. The Commission makes **NO RECOMMENDATIONS** related to this topic.

NOVEMBER INTERIMS

Sharon Carte, Director, Children's Health Insurance Program (CHIP), gave a presentation regarding adding pregnant women to CHIP. In order to move forward, it would be required that Medicaid increase their coverage of pregnant women from 150% of the federal poverty level to 185%. Due to their current work preparing for expansion of Medicaid under the health care reform law, it has been decided not to initiate this expansion at this time.

The Commission **RECOMMENDS** that this coverage potential continue to be studied.

Dr. Stefan Maxwell, Board Member, West Virginia Perinatal Partnership, spoke about the work of the partnership and focused on some projects being funded by the Office of Behavioral Health and Health Facilities, The Office of Maternal, Child and Family Health and the Benedum Foundation to intervene with pregnant women who have substance abuse problems and to work to eliminate such use during the pregnancy. A number of projects are being funded.

Margaret Pomponio, Executive Director, West Virginia Free gave an overview of the potential risks of pre-teen pregnancies. As noted, teen pregnancies are increasing in West Virginia at an alarming rate. To ensure that this be a focus of the legislative session, there will be a presentation on teen pregnancy on January 20th for the Senate and House Health and Human Resources and Banking and Insurance Committees.

The Commission **RECOMMENDS** that legislation be introduced that will require insurers to provide coverage to dependents for maternity care and birth control if it is covered under the health care policy or the prescription coverage.

DECEMBER INTERIMS

Eloise Elliott Ph.D. is the Ware Distinguished Professor at West Virginia University updated the Commission on the development of the WV Physical Activity Plan. The Commission **RECOMMENDS** that they continue to follow the implementation of this plan.

JANUARY INTERIMS

Nancy Atkins, the Commissioner of the Bureau of Medical Services, appeared to answer questions relating to Medicaid. The Commission **RECOMMENDS** that the Department of

Health and Human Resources provide a monthly report to the Commission including the following information to enable more effective oversight of the waiver programs:

- number of individuals added to the wait list each month;
- number of individuals removed from the wait list;
- the reason individuals are removed from the wait list;
- number of individuals determined ineligible for the program;
- number of individuals determined eligible for the program;
- number of unduplicated slots used and active; and
- also the number of slots that have been approved by CMS for each program.

The Commission **REPORTS** as follows:

The Commission **RECOMMENDS** the introduction of the attached legislation relating to requiring coverage for dependents for maternity and birth control services if those services are covered under the policy or the prescription drug coverage. Although the presentations and discussions on these issues were stimulating, enlightening, and interesting the Commission reached no consensus on any additional legislation and feels it has accomplished some resolution through non legislative action.

Respectfully submitted:

Senator Ron Stollings
Co-Chair

Delegate Don Perdue
Co-Chair