

H. B. 2022

(By Delegates Moore, Fleischauer, Shaver,
Perdue, Guthrie, Hatfield and T. Campbell)
[Introduced January 12, 2011; referred to the
Committee on Health and Human Resources then Finance.]

A BILL to amend and reenact §9-4A-2a of the Code of West Virginia,
1931, as amended, relating to capping the Medical Services
Trust Fund and redirecting excess funding to critical health
care programs.

Be it enacted by the Legislature of West Virginia:

That §9-4A-2a of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 4A. MEDICAID UNCOMPENSATED CARE FUND.

§9-4A-2a. Medical Services Trust Fund.

(a) The Legislature finds and declares that certain dedicated
revenues should be preserved in trust for the purpose of stabilizing
the state's Medicaid program and providing services for future
federally mandated population groups in conjunction with federal
reform: Provided, That there may be no more than three hundred
million dollars carried forward in any calendar year, with any
excess moneys directed towards health related services determined

1 critical to the health of the citizens of this state through
2 appropriation by the Legislature.

3 (b) There is hereby created a special account within the
4 Department of Health and Human Resources, which ~~shall be~~ is an
5 interest-bearing account and may be invested in the manner permitted
6 by section nine, article six, chapter twelve of this code,
7 designated the Medical Services Trust Fund. Funds paid into the
8 account shall be derived from the following sources:

9 (1) Transfers, by intergovernmental transfer, from the Hospital
10 Services Revenue Account provided ~~for~~ in section fifteen-a, article
11 one, chapter sixteen of this code;

12 (2) All interest or return on investment accruing to the fund;

13 (3) Any gifts, grants, bequests, transfers or donations which
14 may be received from any governmental entity or unit or any person,
15 firm, foundation or corporation; and

16 (4) Any appropriations by the Legislature which may be made for
17 this purpose.

18 (c) Expenditures from the fund are limited to the following:

19 (1) Payment of backlogged billings from providers of Medicaid
20 services when cash-flow problems within the Medical Services Fund
21 do not permit payment of providers within federally required time
22 limits; and

23 (2) Funding for services to future federally mandated
24 population groups in conjunction with federal health care reform:

1 *Provided*, That other Medicaid funds have been exhausted for the
2 federally mandated expansion: *Provided, however*, That new optional
3 services for which a state Medicaid plan amendment is submitted
4 after May 1, 1993, which are not cost effective for the state, are
5 eliminated prior to expenditure of any moneys from this fund for
6 Medicaid expansion.

7 (3) Payment of the required state match for Medicaid
8 disproportionate share payments in order to receive federal
9 financial participation in the disproportionate share hospital
10 program.

11 (d) Expenditures from the fund solely for the purposes set
12 forth in subsection (c) of this section shall be authorized in
13 writing by the Governor, who shall determine in his or her
14 discretion whether any expenditure shall be made, based on the best
15 interests of the state as a whole and its citizens, and shall
16 designate the purpose of the expenditure. Upon authorization signed
17 by the Governor, funds may be transferred to the Medical Services
18 Fund: *Provided*, That all expenditures from the Medical Services
19 Trust Fund shall be reported forthwith to the Joint Committee on
20 Government and Finance.

21 (e) Notwithstanding the provision of section two, article two,
22 chapter twelve of this code, moneys within the Medical Services
23 Trust Fund may not be redesignated for any purpose other than those
24 set forth in subsection (c) of this section, except that, upon

1 elimination of the Medicaid program in conjunction with federal
2 health care reform, moneys within the fund may be redesignated for
3 the purpose of providing health care coverage or services in
4 coordination with federal reform.

NOTE: The purpose of this bill is to limit the amount of money that can be carried forward in the Medical Services Trust Fund in a calendar year to \$300 million and to direct excess dollars to critical health care needs in the state through appropriation by the Legislature.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.