

1 **H. B. 4213**

2
3 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

4 [By Request of the Executive]

5 [Introduced January 17, 2014 ; referred to the
6 Committee on Health and Human Resources then Finance.]

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10 A BILL to amend and reenact §5-16B-1 and §5-16B-2 of the Code of
11 West Virginia, 1931, as amended, all relating to moving the
12 Children's Health Insurance Program from the Department of
13 Administration to the Department of Health and Human Resources
14 and providing for the orderly transfer of functions, funds and
15 accounts.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931,
18 as amended, be amended and reenacted, all to read as follows:

19 **ARTICLE 16B. WEST VIRGINIA CHILDREN'S HEALTH INSURANCE PROGRAM.**

20 **§5-16B-1. Expansion of health care coverage to children; creation**
21 **of program; legislative directives.**

22 (a) It is the intent of the Legislature to expand access to
23 health services for eligible children and to pay for this coverage

1 by using private, state and federal funds to purchase those
2 services or purchase insurance coverage for those services. To
3 achieve this intention, the West Virginia Children's Health
4 Insurance Program is hereby created. The program shall be
5 administered by the children's health insurance agency within the
6 Department of Administration in accordance with the provisions of
7 this article and the applicable provisions of Title XXI of the
8 Social Security Act of 1997: Provided, That beginning on and after
9 July 1, 2014, the agencies, boards and programs including all of
10 the allied, advisory, affiliated or related entities and funds
11 associated with the children's health insurance program and
12 children's health insurance agency, are incorporated in and
13 administered as a part of the Department of Health and Human
14 Resources. Participation in the program may be made available to
15 families of eligible children, subject to eligibility criteria and
16 processes to be established, which shall not create an entitlement
17 to coverage in any person. Nothing in this article may be construed
18 to require any appropriation of state general revenue funds for the
19 payment of any benefit provided ~~for~~ in this article. In the event
20 that this article conflicts with the requirements of federal law,
21 federal law governs.

22 (b) In developing a children's health insurance program that
23 operates with the highest degree of simplicity and governmental
24 efficiency, the board shall avoid duplicating functions available

1 in existing agencies and may enter into interagency agreements for
2 the performance of specific tasks or duties at a specific or
3 maximum contract price.

4 (c) In developing benefit plans, the board may consider any
5 cost savings, administrative efficiency or other benefit to be
6 gained by considering existing contracts for services with state
7 health plans and negotiating modifications of those contracts to
8 meet the needs of the program.

9 (d) ~~Upon~~ For the transfer of the functions of the children's
10 health insurance program and the children's health insurance agency
11 ~~from the department of health and human resources to the children's~~
12 ~~health insurance agency within the Department of Administration to~~
13 the Department of Health and Human Resources, the Secretary of the
14 Department of ~~health and human resources Administration~~ and the
15 Secretary of the Department of ~~administration~~ Health and Human
16 Resources, acting jointly, are empowered to authorize and shall
17 authorize such transfers of program and agency funds including, but
18 not limited to, the West Virginia Children's Health Fund created in
19 section seven of this article and associated investment accounts;
20 and transfers of children's health insurance program and children's
21 health insurance agency personnel and equipment, as are necessary,
22 to facilitate an orderly transfer of the functions of the
23 children's health insurance program and children's health insurance
24 agency. ~~Authority to make transfers pursuant to this subsection~~

1 ~~expires on the thirty-first day of December, two thousand~~

2 (e) In order to enroll as many eligible children as possible
3 in the program created by this article and to expedite the
4 effective date of their health insurance coverage, the board shall
5 develop and implement a plan whereby applications for enrollment
6 may be taken at any primary care center or other health care
7 provider, as determined by the director, and transmitted
8 electronically to the program's offices for eligibility screening
9 and other necessary processing. The board may use any funds
10 available to it in the development and implementation of the plan,
11 including grant funds or other private or public moneys.

12 **§5-16B-2. Definitions.**

13 As used in this article, unless the context clearly requires
14 a different meaning:

15 (a) "Agency" means the children's health insurance agency;
16 ~~within the department of administration;~~

17 (b) "Board" means the children's health insurance program
18 board;

19 (c) "Director" means the director of the children's health
20 insurance agency;

21 (d) "Essential community health service provider" means a
22 health care provider that:

23 (1) Has historically served medically needy or medically
24 indigent patients and demonstrates a commitment to serve low-income

1 and medically indigent populations which constitute a significant
2 portion of its patient population or, in the case of a sole
3 community provider, serves medically indigent patients within its
4 medical capability; and

5 (2) Either waives service fees or charges fees based on a
6 sliding scale and does not restrict access or services because of
7 a client's financial limitations. Essential community health
8 service provider includes, but is not limited to, community mental
9 health centers, school health clinics, primary care centers,
10 pediatric health clinics or rural health clinics.

11 (e) "Program" means the West Virginia Children's Health
12 Insurance Program.

NOTE: The purpose of this bill is to move the Children's
Health Insurance Program ("CHIP") from the Department of
Administration to the Department of Health and Human Resources.

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