

Senate Bill No. 336

(By Senators Ferns and Takubo)

[Introduced January 27, 2015; referred to the Committee on Government Organization; and then
to the Committee on the Judiciary.]

A BILL to repeal §16-29B-19, §16-29B-20, §16-29B-21 and §16-29B-21a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-29B-10 of said code; all relating generally to powers and duties of the Health Care Authority; eliminating authority of the Health Care Authority to conduct rate review and set rates for hospitals; and establishing grandfathering clause.

Be it enacted by the Legislature of West Virginia:

That §16-29B-19, §16-29B-20, §16-29B-21 and §16-29B-21a of the Code of West Virginia, 1931, as amended, be repealed; and that §16-29B-10 of said code be amended and reenacted, all to read as follows:

ARTICLE 29B. HEALTH CARE AUTHORITY.

§16-29B-10. Jurisdiction of the board.

(a) Notwithstanding any other provision of this code or state law, after July 1, ~~1984~~ 2015, the jurisdiction of the board or authority as to rates for health services care ~~shall extend to all hospitals~~

1 as defined herein doing business in the State of West Virginia (with the exception of hospitals owned
2 and operated by the federal government) ceases to exist. Any rate review order in place or executed
3 by a hospital based upon a rate set prior to July 1, 2015, may not be modified or altered based solely
4 upon the amendment to this section during the 2015 Regular Session of the Legislature.

5 (b) ~~Those costs or charges associated with individual health care providers or health care~~
6 ~~provider groups providing inpatient or outpatient services under a contractual agreement with~~
7 ~~hospitals (excluding simple admitting privileges) shall be under the jurisdiction of the board. The~~
8 ~~jurisdiction of the board shall not extend to the regulation of rates of private health care providers~~
9 ~~or health care groups providing inpatient or outpatient services under a contractual agreement with~~
10 ~~hospitals when the provision of such service is outside the hospital setting, and shall not extend to~~
11 ~~the regulation of rates of all other private health care providers practicing outside the hospital setting:~~
12 ~~*Provided,* That such practice outside of the hospital setting is not found to be an evasion of the~~
13 ~~purposes of this article.~~

NOTE: The purpose of this bill is to alter the powers and duties of the Health Care Authority. It changes the authority of the Health Care Authority to collect from hospitals a financial obligation based upon gross revenue to amount based upon net revenue and to eliminates the authority of the Health Care Authority regarding rate review for hospitals.

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