

E N R O L L E D

COMMITTEE SUBSTITUTE

for

H. B. 2652

(BY DELEGATE(S) ELLINGTON, HOUSEHOLDER,
ASHLEY, BOGGS, FOLK, HAMILTON, HOWELL, MCGEEHAN,
STORCH AND ZATEZALO)

[Passed March 12, 2015;
in effect from passage.]

AN ACT to amend and reenact §16-29B-8 of the Code of West Virginia, 1931, as amended, relating to annual assessments on hospitals by the West Virginia Health Care Authority; and changing the basis for the annual assessment.

Be it enacted by the Legislature of West Virginia:

That §16-29B-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 29B. HEALTH CARE AUTHORITY.

§16-29B-8. Powers generally; budget expenses of the board.

1 (a) In addition to the powers granted to the board elsewhere
2 in this article, the board may:

3 (1) Adopt, amend and repeal necessary, appropriate and
4 lawful policy guidelines and rules in accordance with article
5 three, chapter twenty-nine-a of this code: *Provided*, That
6 subsequent amendments and modifications to any rule
7 promulgated pursuant to this article and not exempt from the
8 provisions of article three, chapter twenty-nine-a of this code
9 may be implemented by emergency rule;

10 (2) Hold public hearings, conduct investigations and require
11 the filing of information relating to matters affecting the costs of
12 health care services subject to the provisions of this article and
13 may subpoena witnesses, papers, records, documents and all
14 other data in connection therewith. The board may administer
15 oaths or affirmations in any hearing or investigation;

16 (3) Apply for, receive and accept gifts, payments and other
17 funds and advances from the United States, the state or any other
18 governmental body, agency or agencies or from any other private
19 or public corporation or person (with the exception of hospitals
20 subject to the provisions of this article, or associations
21 representing them, doing business in the state of West Virginia,
22 except in accordance with subsection (c) of this section), and
23 enter into agreements with respect thereto, including the
24 undertaking of studies, plans, demonstrations or projects. Any
25 such gifts or payments that may be received or any such
26 agreements that may be entered into shall be used or formulated
27 only so as to pursue legitimate, lawful purposes of the board, and
28 shall in no respect inure to the private benefit of a board
29 member, staff member, donor or contracting party;

30 (4) Lease, rent, acquire, purchase, own, hold, construct,
31 equip, maintain, operate, sell, encumber and assign rights or
32 dispose of any property, real or personal, consistent with the
33 objectives of the board as set forth in this article: *Provided*, That
34 such acquisition or purchase of real property or construction of
35 facilities shall be consistent with planning by the state building
36 commissioner and subject to the approval of the Legislature;

37 (5) Contract and be contracted with and execute all
38 instruments necessary or convenient in carrying out the board's
39 functions and duties; and

40 (6) Exercise, subject to limitations or restrictions herein
41 imposed, all other powers which are reasonably necessary or
42 essential to effect the express objectives and purposes of this
43 article.

44 (b) The board shall annually prepare a budget for the next
45 fiscal year for submission to the governor and the Legislature
46 which shall include all sums necessary to support the activities
47 of the board and its staff.

48 (c) Each hospital subject to the provisions of this article shall
49 be assessed by the board on a pro rata basis using the net patient
50 revenue, as defined under generally accepted accounting
51 principles, of each hospital as reported under the authority of
52 section eighteen of this article as the measure of the hospital's
53 obligation. The amount of such fee shall be determined by the
54 board except that in no case shall the hospital's obligation
55 exceed one tenth of one percent of its net patient revenue. Such
56 fees shall be paid on or before the first day of July in each year
57 and shall be paid into the state treasury and kept as a special
58 revolving fund designated "health care cost review fund", with
59 the moneys in such fund being expendable after appropriation by
60 the Legislature for purposes consistent with this article. Any
61 balance remaining in said fund at the end of any fiscal year shall

62 not revert to the treasury, but shall remain in said fund and such
63 moneys shall be expendable after appropriation by the
64 Legislature in ensuing fiscal years.

65 (d) Each hospital's assessment shall be treated as an
66 allowable expense by the board.

67 (e) The board is empowered to withhold rate approvals,
68 certificates of need and rural health system loans and grants if
69 any such fees remain unpaid, unless exempted under subsection
70 (g), section four, article two-d of this chapter.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

