

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2825

FISCAL  
NOTE

2015 Carryover

(BY DELEGATES WALTERS, STANSBURY, CANTERBURY,  
BATES, BOGGS, A. EVANS, R. PHILLIPS, REYNOLDS AND  
ROWE)

[Introduced January 13, 2016; referred to the  
Committee on Health and Human Resources then  
Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §9-5-24, relating to requiring the Department of Health and Human Resources  
 3 to review rates it pays to care providers and to increase direct care rates to compensate  
 4 for an increase in the state's minimum wage.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a  
 2 new section, designated §9-5-24, to read as follows:

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-24. Review and adjustment of rates paid to care providers.**

1 (a) The Department of Health and Human Resources shall perform a review of rates it  
 2 pays to health care providers and the rates its managed care contractors pay to health care  
 3 providers. The reviews shall be undertaken every two years. In doing the reviews the  
 4 department shall determine the cost to the provider type for providing health care services on  
 5 behalf of the department or the managed care contractor in comparison to the amounts paid.

6 (b) The results of the rate review in subsection (a) of this section may not compel an  
 7 increase in the health care rates paid but shall be used by the department to determine if the  
 8 current rates are adequate to assure access to health care services provided under the Medicaid  
 9 program.

10 (c) The department shall provide copies of the rate review findings and work papers to the  
 11 Joint Committee of Government and Finance within thirty days of completing the review and at  
 12 the same time publically post the reports and work papers on its website.

13 (d) The department shall provide the Joint Committee of Government and Finance a  
 14 schedule of when various rate reviews by provider and service type will be performed within thirty  
 15 days of the effective date of this section. The schedule shall be updated and resubmitted every

16 year after that.

17 (e) The department shall by July 1, 2015, adjust rates paid to medical providers for direct  
18 care services, in order to compensate for the enactment of Chapter 124, Acts of the Legislature,  
19 2014, which increased the state's minimum wage by 75¢ per hour January 1, 2015, and an  
20 additional 75¢ per hour effective January 1, 2016.

21 (f) If the department does not comply with this section the Joint Committee on Government  
22 and Finance may conduct an independent rate review on its own and the Department of Health  
23 and Human Resources and its managed care contractors shall fully cooperate. The department  
24 shall reimburse the Joint Committee on Government and Finance for all expenses and costs  
25 incurred in conducting the review. The findings and work papers shall be posted on the  
26 legislative website, if the review is conducted by the Joint Committee on Government and  
27 Finance.

NOTE: The purpose of this bill is to require the Department of Health and Human Resources to review rates it pays to care providers and to increase direct care rates to compensate for an increase in the state's minimum wage.

This section is new; therefore, it has been completely underscored.