

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2420**

BY DELEGATES WESTFALL, STATLER, WHITE, B.,

ATKINSON AND MAYNARD

[Introduced February 14, 2017; Referred  
to the Committee on Education then Health and  
Human Resources.]

1 A BILL to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating  
2 to the State Board of Education and Medicaid eligible children; and providing that the state  
3 board may delegate its provider status and subsequent reimbursement to regional  
4 educational service agencies or county boards subject to the county board determining  
5 that there is a net benefit and no detraction from the educational program of the county.

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

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

## **ARTICLE 2. STATE BOARD OF EDUCATION.**

### **§18-2-5b. Medicaid eligible children; school health services advisory committee.**

1 (a) The state board shall become a Medicaid provider and seek out Medicaid eligible  
2 students for the purpose of providing Medicaid and related services to students eligible under the  
3 Medicaid program and to maximize federal reimbursement for all services available under the  
4 Omnibus Budget Reconciliation Act of 1989, as it relates to Medicaid expansion and any future  
5 expansions in the Medicaid program for Medicaid and related services for which state dollars are  
6 or will be expended: *Provided*, That the state board may delegate this provider status and  
7 subsequent reimbursement to regional educational service agencies (RESA) and/or county  
8 boards: *Provided, however, That the county board determines there is a net benefit after*  
9 *consideration of costs and time involved with seeking Medicaid reimbursements for eligible*  
10 *services and that the billing process does not detract from the educational program: *Provided**  
11 *further, That* annually the state board shall report to the Legislature the number and age of  
12 children eligible for Medicaid, the number and age of children with Medicaid coverage, the types  
13 of Medicaid eligible services provided, the frequency of services provided, the Medicaid dollars  
14 reimbursed; and the problems encountered in the implementation of this system and that this  
15 report shall be on a county by county basis and made available no later than January 1, 1992, and  
16 annually thereafter.

17 (b) The state board shall appoint and convene a school health services advisory  
18 committee to advise the secretary of health and human resources and the state superintendent  
19 on ways to improve the ability of regional education service agencies, local school boards, and  
20 Department of Health and Human Resources employees to provide Medicaid eligible children  
21 with all the school-based Medicaid services for which they are eligible and to ensure that the  
22 school-based Medicaid service providers bill for and receive all the Medicaid reimbursement to  
23 which they are entitled. The committee shall consist of at least the following individuals: The  
24 person within the Department of Education responsible for coordinating the provision of and billing  
25 for school-based Medicaid services in schools throughout the state, who shall provide secretarial,  
26 administrative and technical support to the advisory committee; the person within the Department  
27 of Health and Human Resources responsible for coordinating the enrollment of Medicaid eligible  
28 school children throughout the state; two representatives of regional education services agencies  
29 who are experienced with the process of billing Medicaid for school-based health services; two  
30 Department of Health and Human Resources employees responsible for supervising employees,  
31 two persons jointly appointed by the secretary of health and human resources and the state  
32 superintendent; and one representative of the Governor's task force on school health.

33 The school health services advisory committee shall meet in the first instance at the  
34 direction of the state superintendent, select a chairperson from among its members, and meet  
35 thereafter at the direction of the chairperson. The committee shall report its findings and  
36 recommendations to the state board and Department of Health and Human Resources, which  
37 findings shall then be included in the report to the Legislature by the state board and Department  
38 of Health and Human Resources provided ~~for~~ in subsection (a) of this section.

39 All actual and necessary travel expenses of the members of the committee shall be  
40 reimbursed by the member's employing agency, for those members not employed by a state  
41 agency, the member's actual and necessary travel expenses shall be paid by the state board. All  
42 such expenses shall be reimbursed in the same manner as the expenses of state employees are

43 reimbursed

NOTE: The purpose of this bill is to provide that State Board of Education may delegate its Medicaid provider status and subsequent reimbursement to regional educational service agencies or county boards subject to the county board determining that there is a net benefit and no detraction from the educational program of the county.

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