

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 450

BY SENATORS KARNES, AZINGER, BOSO, CLEMENTS,
CLINE, DRENNAN, FERNS, GAUNCH, MANN, MARONEY,
MAYNARD, ROMANO, RUCKER, SMITH, SWOPE, AND
TRUMP

[Originating in the Committee on Health and Human
Resources; Reported on February 9, 2018]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-5-12a, relating to collecting and analyzing statistical information pertaining
3 to termination of pregnancies under the West Virginia Medicaid Program; declaring
4 legislative objectives; requiring the submission of reporting forms by physicians; providing
5 for patient confidentiality; specifying required information; providing for the collection and
6 aggregation of data; permitting access to de-identified data; and requiring the creation of
7 analytical reports.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-12a. Medicaid program; collection of statistical information on termination of pregnancy; analysis and reporting.

1 (a) The Legislature finds that there have been significant increases in the number of
2 terminations of pregnancy provided through the West Virginia Medicaid Program in the past 10
3 years with a dramatic increase in the preceding three years. Without additional information
4 regarding the medical, physical, mental, social, familial, and economic factors affecting these
5 changing numbers, the state is unable to fashion appropriate programs to address any causes if
6 detrimental to public health. Therefore, it is necessary to collect detailed data, without reference
7 to patient identities, for aggregation, analysis, and planning.

8 (b) Every physician licensed pursuant to §30-3-1 et seq. of this code or §30-14-1 et seq.
9 of this code seeking reimbursement from the Bureau for Medical Services for services provided
10 to terminate a pregnancy by any means without the live birth of the child shall also submit a written
11 report, as specified in this section, of the physician or other licensed health care professional
12 administering the services to terminate the pregnancy. To prevent the linking of invoice
13 information with the physician's report, the secretary shall designate a separate office to receive
14 the report for entry into a statistical analysis system. The invoice or request for reimbursement

15 shall contain a certification from the physician that the required report has been filed with the data
16 collection office designated by the secretary.

17 (c) The department may specify the form for reporting the statistical information in either
18 written or electronic format, or both, or the department may accept forms created by a physician,
19 but in all instances the report form shall request, at a minimum, the following information in a
20 substantially similar manner as shown here:

21

22 "Patient age: County of residence: No. of children in residence:

23 County where service was provided:

24 ICD 10 Code for Pregnancy Termination:

25

26 **Certification of General Medical Necessity** (must be certified for all procedures)

27 I, the undersigned attending physician, having discussed this matter with the patient prior
28 to the service, certify that on the basis of my professional judgment, this pregnancy termination
29 was necessary in light of the following factors relevant to the well-being of the patient.

30 (Complete all that apply.)

31 Physical condition (specify): _____

32 Mental condition or status (specify): _____

33 Emotional condition (specify): _____

34 Psychological condition (specify): _____

35 Substance abuse or dependence (specify substances): _____

36 Other medical consideration (specify): _____

37 Familial situation (specify): _____

38 Age consideration (specify): _____

39

40 **Certification of Specific Necessity** (only if applicable)

41 I, the undersigned attending physician, certify that on the basis of my professional
42 judgment, this pregnancy termination was medically necessary due to the following factor or
43 factors (Complete all that apply):

44 Pregnancy resulting from rape. The rape has has not been reported to law enforcement.

45 Pregnancy resulting from incest. The incest has has not been reported to law enforcement.

46 Endangerment of mother's life if the fetus were carried to full term. Specify condition or medical
47 diagnosis (including diagnosis codes): _____.

48 Miscarriage of fetus in course of pregnancy.

49

50 Signature of Attending Physician

51 (May be written or electronic.)”

52

53 (d) The reporting form shall not contain any personally identifying information about the
54 patient for whom the services are provided, but the department or physician may use a unique
55 control number on the form to track compliance with this section and to prevent the entry of
56 duplicate information.

57 (e) The department shall collect the information from all forms submitted pursuant to this
58 section and prepare a report or reports to be submitted to the Governor and the Joint Committee
59 on Government and Finance starting July 1, 2018, and quarterly thereafter with a summary of the
60 prevalence of the individual health and social factors resulting in terminations of pregnancies, a
61 statistical analysis of trends in those factors, and any recommendations for addressing adverse
62 or detrimental circumstances revealed through the analysis. The Department of Health and
63 Human Resources shall prevent any of the information from being included in this report that
64 could reasonably lead to the identification of any physician who performed or treated an abortion,
65 or any female who has had an abortion.

66 (f) The department shall make the de-identified information available upon request for the
67 purposes of review, research, and analysis and the department may, subject to the availability of
68 funds and other resources, conduct additional research using the collected data for the purposes
69 of health care planning, community response, and mitigation of adverse circumstances or health
70 factors.