

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 611

FISCAL
NOTE

BY SENATOR WELD

[Introduced March 10, 2021; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-5-28, relating to certified community behavioral health clinics; providing that
3 the state Medicaid agency shall develop, seek approval of, and implement a Medicaid
4 state plan amendment as necessary and appropriate to effectuate a system of certified
5 community behavioral health clinics (CCBHCs); providing that state Medicaid agency, in
6 partnership with the Department of Health and Human Resources' Bureau for Behavioral
7 Health, shall establish a state certification system for CCBHCs; and providing that all
8 nonprofit comprehensive community mental health centers and comprehensive
9 intellectual disability facilities shall be eligible to apply for certification as a CCBHC.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS

§9-5-28. Certified Community Behavioral Health Clinics.

1 (a) The state Medicaid agency shall develop, seek approval of, and implement a Medicaid
2 state plan amendment as necessary and appropriate to effectuate a system of certified community
3 behavioral health clinics (CCBHCs).

4 (b) The state Medicaid agency, in partnership with the Department of Health and Human
5 Resources' Bureau for Behavioral Health, shall establish a state certification system for CCBHCs
6 in accordance with the following requirements:

7 (1) To the fullest extent practicable, the CCBHC system shall be consistent with the
8 demonstration program established by Section 223 of the Protecting Access to Medicare Act of
9 2014 (PAMA) (P.L. 113-93, 42 U.S.C. 1396a note), as amended.

10 (2) Standards and methodologies for a prospective payment system shall be established
11 to reimburse each CCBHC under the state Medicaid program on a predetermined, fixed amount
12 per day for covered services rendered to each Medicaid beneficiary.

13 (3) A quality incentive payment system shall be established for those CCBHCs which
14 achieve specific thresholds on performance metrics identified by the state Medicaid agency. Such

15 quality incentive payments shall be in addition to the bundled prospective daily rate.

16 (4) The prospective payment rate for each CCBHC shall be adjusted tri-annually by the
17 Medicare Economic Index as defined in Section 223 of PAMA. In addition, the prospective
18 payment rate shall allow for modifications based upon a change in scope for an individual CCBHC.
19 Rate adjustments can be upon request by the provider.

20 (5) Criteria shall be established to certify a facility as a CCBHC which, at a minimum, shall
21 require each CCBHC to offer directly, or indirectly through formal referral relationships with other
22 providers, the following services:

23 (i) Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis
24 intervention services, and crisis stabilization;

25 (ii) Screening, assessment, and diagnosis, including risk assessment;

26 (iii) Patient-centered treatment planning or similar processes, including risk assessment
27 and crisis planning;

28 (iv) Outpatient clinic primary care screening and monitoring of key health indicators and
29 health risk;

30 (v) Targeted case management;

31 (vi) Psychiatric rehabilitation services;

32 (vii) Peer support and counselor services;

33 (viii) Family support services; and

34 (ix) Community-based mental health services, including mental health services for
35 members of the armed forces and veterans.

36 (c) All nonprofit comprehensive community mental health centers and comprehensive
37 intellectual disability facilities, as established by §27-2A-1 of this code, shall be eligible to apply
38 for certification as a CCBHC.

39 (d) The state Medicaid agency, in partnership with the Department of Health and Human
40 Resources' Bureau for Behavioral Health, shall establish such other procedures and standards

41 as may be necessary for an eligible facility to apply for certification, become certified, and remain
42 certified as a CCBHC.

43 (e) The participation of any eligible facility in the CCBHF system shall be strictly voluntary.

44 Nothing in this section shall require a facility that is eligible for certification as a CCBHF to apply
45 for such certification.

NOTE: The purpose of this bill is to provide that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of certified community behavioral health clinics (CCBHCs); provide that the state Medicaid agency, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health, shall establish a state certification system for CCBHCs; provide that all nonprofit comprehensive community mental health centers and comprehensive intellectual disability facilities shall be eligible to apply for certification as a CCBHC.

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