

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 3540

FISCAL  
NOTE

By Delegates Espinosa and Hite

[Introduced February 14, 2023; Referred to the  
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-1-3 of the Code of West Virginia, 1931, as amended, relating to  
 2 the duties of the Secretary of the West Virginia Department of Health and Human  
 3 Resources; and requiring preparation of reports to the President of the Senate, the  
 4 Speaker of the House of Delegates and the Legislative Commission on Health and Human  
 5 Services Accountability that determine recommended levels of reimbursement for home  
 6 and community based providers that serve patients with intellectual and development  
 7 disabilities (I/DD).

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

**ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

**§16-1-3. Powers and duties of the secretary.**

- 1 (a) The secretary may establish a state public health system.
- 2 (b) As necessary for the effective, efficient, and economical operation of the system, the  
 3 secretary may from time to time delegate, assign, transfer, or combine responsibilities or duties to  
 4 or among employees of the department.
- 5 (c) Within the limits of applicable federal law, the secretary may require every applicant for  
 6 a license, permit, certificate of registration, or registration under this chapter to place his or her  
 7 social security number on the application.
- 8 (d) The secretary may appoint advisory councils.
- 9 (e) The secretary shall produce a report for transmission to the President of the Senate, the  
 10 Speaker of the House of Delegates and the Legislative Commission on Health and Human  
 11 Services Accountability by December 1, 2023, and tri-annually thereafter, that determines  
 12 recommended levels of reimbursement for home and community based providers that serve  
 13 patients with intellectual and development disabilities (I/DD). The report shall utilize a  
 14 methodology that accurately reflects the costs of providing services corresponding to the  
 15 department’s objectives and standards for patients with intellectual and development disabilities  
 16 and also reflects regional wage differentiations in border areas of the state that impede the

- 17 recruitment and retention of direct care workers. The secretary shall utilize an independent party  
18 having professional expertise in developing recommended home and community based  
19 reimbursement rates for providers to patients with intellectual and development disabilities.

NOTE: The purpose of this bill is to require the Secretary of the West Virginia Department of Health and Human Resources to prepare reports to the President of the Senate, the Speaker of the House of Delegates and the Legislative Commission on Health and Human Services Accountability that determine recommended levels of reimbursement for home and community based providers that serve patients with intellectual and development disabilities (I/DD).

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