

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 476

By Senator Tarr

[Passed March 08, 2023; in effect from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-5-31, relating to managed care contracts; providing that the Bureau for
3 Medical Services is exempt from the requirements of the Purchasing Division with respect
4 to managed care contracts; providing for exceptions; providing that the Bureau for Medical
5 Services may not disrupt certain existing enrollments with managed care organizations;
6 prohibiting the Bureau for Medical Services from redistributing or reassigning membership;
7 providing for the integration of new managed care entrants; providing that no plan shall
8 have preferential assignment of new members.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

**§9-5-31. Managed care organization contracts exempt from purchasing requirements;
providing for exceptions.**

1 (a) Notwithstanding any other provision to the contrary, the Bureau for Medical Services is
2 exempt from all requirements of the Purchasing Division, authorized under §5A-3-1 *et seq.* of this
3 code, with respect to managed care contracts: *Provided*, That for purposes of continuity of care,
4 the Bureau for Medical Services may not:

5 (1) Disrupt existing WV Medicaid and WV Children’s Health Insurance Plan enrollment
6 within an existing managed care organization as part of any such purchasing exemption; or

7 (2) Redistribute or reassign membership of an existing managed care organization to any
8 new, qualifying managed care entrant as part of any contract awarded pursuant to such
9 exemption.

10 The Bureau for Medical Services shall integrate any and all new and qualifying managed
11 care entrants into the state’s auto-assignment logic for new members and shall publicize any
12 eligible managed care organization for purposes of self-selection by the member. No plan shall
13 have preferential assignment of new members and each plan will be assigned equally.

14 (b) The Bureau for Medical Services is not exempt from the requirements of the

Enr CS for SB 476

- 15 Purchasing Division, authorized under §5A-3-1 *et seq.* of this code, when soliciting a procurement
- 16 for specialized populations, to include, but not be limited to, foster care.