

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 479

FISCAL
NOTE

By Senators Grady, Plymale, Deeds, Woelfel, and

Caputo

[Introduced January 26, 2023; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to
 2 expanding certain insurance coverages for pregnant women; and providing an effective
 3 date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-12. Medicaid program; maternity and infant care.

1 (a) The department shall:

2 (1) Extend Medicaid coverage to pregnant women and their newborn infants to 185
 3 percent of the federal poverty level and to provide coverage up to 1-year postpartum care,
 4 effective July 1, 2021 or as soon as federal approval has occurred.

5 (2) As provided under the Consolidated Omnibus Budget Reconciliation Act (COBRA),
 6 Public Law 99-272, the Sixth Omnibus Budget Reconciliation Act (SOBRA), Public Law 99-509,
 7 and the Omnibus Budget Reconciliation Act (OBRA), Public Law 100-203, effective July 1, 1988,
 8 infants shall be included under Medicaid coverage with all children eligible for Medicaid coverage
 9 born after October 1, 1983, whose family incomes are at or below 100 percent of the federal
 10 poverty level and continuing until such children reach the age of eight years.

11 (3) Elect the federal options provided under COBRA, SOBRA, and OBRA impacting
 12 pregnant women and children below the poverty level: *Provided*, That no provision in this article
 13 shall restrict the department in exercising new options provided by or to be in compliance with new
 14 federal legislation that further expands eligibility for children and pregnant women.

15 (4) ~~The department is~~ Be responsible for the implementation and program design for a
 16 maternal and infant health care system to reduce infant mortality in West Virginia. The health
 17 system design shall include quality assurance measures, case management, and patient outreach
 18 activities. The department shall assume responsibility for claims processing in accordance with
 19 established fee schedules and financial aspects of the program necessary to receive available
 20 federal dollars and to meet federal rules and regulations.

21 (5) ~~The department shall~~ Increase to no less than \$600 the reimbursement rates under the
22 Medicaid program for prenatal care, delivery, and post-partum care.

23 (6) Extend Medicaid coverage to doula services. A "doula" means a trained professional
24 providing continuous physical, emotional, and informational support to a pregnant individual, from
25 antepartum, intrapartum, and up to the first twelve months of the postpartum period.

26 (b) In order to be in compliance with the provisions of OBRA through rules and regulations,
27 the department shall ensure that pregnant women and children whose incomes are above the Aid
28 to Families and Dependent Children (AFDC) payment level are not required to apply for
29 entitlements under the AFDC program as a condition of eligibility for Medicaid coverage. Further,
30 the department shall develop a short, simplified pregnancy/pediatric application of no more than
31 three pages, paralleling the simplified OBRA standards.

32 (c) Any woman who establishes eligibility under this section shall continue to be treated as
33 an eligible individual without regard to any change in income of the family of which she is a
34 member until the end of the 1 year period beginning on the last day of her pregnancy.

35 (d) The department shall make payment for tubal ligation without requiring at least 30 days
36 between the date of informed consent and the date of the tubal ligation procedure.

NOTE: The purpose of this bill is to extend Medicaid coverage for pregnant women.

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