

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 730

BY SENATOR MARONEY

[Originating in the Committee on Health and Human
Resources; reported on February 22, 2023]

1 A BILL to amend and reenact §16-29E-5 and §16-29E-7 of the Code of West Virginia, as
2 amended, all relating to the Legislative Oversight Commission on Health and Human
3 Resources Accountability; applying authority of commission to successor agencies of the
4 Department of Health and Human Resources; removing limitation on commission review;
5 expanding authority of commission to conduct review into administrative, fiscal,
6 programmatic, and systematic areas of department; permitting commission to require
7 reports; and permitting commission and Joint Committee to designate format and
8 submission instructions for reporting.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN
RESOURCES ACCOUNTABILITY.**

§16-29E-5. Powers and duties of commission.

1 (a) The powers, duties, and responsibilities of the commission shall include the following:

2 (1) Make a continuing investigation, study and review of the practices, policies, and
3 procedures of the health care and social services agencies in this state;

4 (2) Make a continuing investigation, study, and review of all matters related to health and
5 social policy in the state;

6 (3) Review program development by the various agencies of the Department of Health
7 and Human Resources, and any successor agencies; ~~if those programs impact the physical,~~
8 ~~emotional, or social well-being of the citizens of West Virginia~~

9 (4) Conduct studies on:

10 (A) The amount of funds expended by hospitals and other health care providers of this
11 state for services to persons who are unable to pay for those services and for which they receive
12 no other form of reimbursement;

13 (B) The extent to which persons in this state forego needed medical services because of
14 insufficient income and assets to pay for those services;

15 (C) The extent to which the state is maximizing available federal programs and moneys in
16 providing health care services to the citizens of this state;

17 (D) The operation of the programs and funds created by §16-29C-1 *et seq.*, of this code;
18 and

19 (E) The roles of the public, private and private nonprofit sectors in providing health care
20 services to the citizens of this state;

21 (5) Review and study the state Medicaid program in order to determine if the state
22 Medicaid agency, as the payor of last resort, is expending maximum effort to identify alternate
23 private insurance resources for Medicaid beneficiaries;

24 (6) Review and study the feasibility and financial impact upon the state of assuring
25 increased access to Medicaid beneficiaries to primary health care in the nonhospital setting by
26 requiring enrollment in a primary care clinic program, if available;

27 (7) Review and study the feasibility and financial impact upon the state of the
28 establishment of different and lesser schedules of payment for primary health services delivered
29 by a hospital emergency room as compared to the schedule of payments for emergency room
30 services of a true medical emergency nature;

31 (8) Conduct a study on the effects of rural health networks, including effects on the quality,
32 cost, and availability of care; ~~and~~

33 (9) Meet jointly with the advisory committee created in §16-35-1 *et seq.*, of this code to
34 determine methods for coordinating the collection and analysis of health care information within
35 the state, including the development of health information systems that will allow for the electronic
36 transmittal of data and access by the various agencies of government; and

37 (10) Make a continuing investigation, study, and review of all matters related to any area
38 of concern that exists within the Department of Health and Human Resources, and any successor

39 agencies, including, but not limited to, financial, administrative, programmatic, and systemic
40 issues.

41 (b) The commission shall make annual reports to the Legislature regarding the results of
42 all investigations, studies and reviews pursuant to the provisions of §16-29E-7 of this code.

§16-29E-7. Legislative reports.

1 (a) The commission shall submit annual reports to the Legislature, as required by the
2 provisions of §16-29E-5 of this code, which such reports shall describe and evaluate in a concise
3 manner:

4 (1) The major activities of the several health and human resources agencies for the fiscal
5 year immediately past, including important policy decisions reached on initiatives undertaken
6 during that year, especially as such activities, decisions and initiatives relate to:

7 (A) The implementation of health care or social services programs;

8 (B) Improving the accessibility of appropriate health care in all areas of this state;

9 (C) Improving the health status of the citizens of this state; and

10 (D) Coordinating social services programs to reflect a cohesive delivery of transitional
11 services.

12 (2) Other information considered by the commission to be important, including
13 recommendations for statutory, fiscal or policy reforms and reasons for such recommendations.

14 (b) The reports may specify in what manner any practice, policy or procedure may or
15 should be modified to satisfy the goal of efficient and effective delivery of health and social
16 services programs and to improve the quality of health and social services available in this ~~State~~
17 state.

18 (c) The commission may require the Department of Health and Human Resources, and
19 any successor agencies, to submit reports on a routine or as needed basis. These reports shall
20 be submitted to the commission. The submission instructions and format for the reports may be
21 designed by the commission or the Joint Committee.