

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

House Bill 4594

BY DELEGATES SUMMERS, TULLY, HITE, ROHRBACH, AND

FEHRENBACHER

[Passed February 13, 2024; in effect from passage.]

1 AN ACT to amend and reenact §9-5-27 of the Code of West Virginia, 1931, as amended, relating
2 to foster care; removing stakeholder requirements; removing reporting requirements;
3 removing termination date of foster care contract; and removing duties of Foster Care
4 Ombudsman.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-27. Transitioning foster care into managed care.

1 (a) "Eligible services" means acute care, including medical, pharmacy, dental, and
2 behavioral health services.

3 (b) The secretary shall transition to a capitated Medicaid program for a child classified as
4 a foster child and a child placed in foster care under Title IV-E of the Social Security Act who is
5 living in the state by January 1, 2020. The program shall be statewide, fully integrated, and risk
6 based; shall integrate Medicaid-reimbursed eligible services; and shall align incentives to ensure
7 the appropriate care is delivered in the most appropriate place and time.

8 (c) The secretary shall make payments for the eligible services, including home and
9 community-based services, using a managed care model.

10 (d) The secretary shall submit, if necessary, applications to the United States Department
11 of Health and Human Services for waivers of federal Medicaid requirements that would otherwise
12 be violated in the implementation of the program and shall consolidate any additional waivers
13 where appropriate: *Provided*, That this subsection does not apply to the Aged and Disabled
14 Waiver, the Intellectual/Developmental Disabilities Waiver, and the Traumatic Brain Injury Waiver.

15 (e) If a selected managed care organization ceases to contract to provide Medicaid
16 managed care services, it must provide all patient records, including medical records, to the next
17 selected managed care organization to ensure the Eligible Medicaid Beneficiaries do not
18 experience an interruption in care.

19 (f) In designing the program, the secretary shall ensure that the program:

20 (1) Reduces fragmentation and offers a seamless approach to meeting participants'
21 needs;

22 (2) Delivers needed supports and services in the most integrated, appropriate, and cost-
23 effective way possible;

24 (3) Offers a continuum of acute care services, which includes an array of home and
25 community-based options; and

26 (4) Includes a comprehensive quality approach across the entire continuum of care
27 services.

28 (g) An employee of the department who, as a function of that employment, has engaged
29 in the development of any contract developed pursuant to the requirements of this section may
30 not for a period of two years thereafter be employed by any agency or company that has benefitted
31 or stands to benefit directly from a contract between the department and that agency or company.

32 (h) Any managed care company selected as the managed care contractor pursuant to the
33 provisions of this article shall have at least 80 percent of the total full-time equivalent positions
34 allocated to manage care of foster children in West Virginia according to the contract must have
35 a primary workplace in the state of West Virginia.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor