

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Originating**

### **House Bill 5691**

By Delegates Hite, Summers, Tully, Winzenreid,

Worrell, and Dean

[Originating in the Committee on Health and Human

Resources; Reported on February 16, 2024]



1 A BILL to amend the code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §9-5-34; and to repeal §16B-12-3 of said code; all relating to a biennial  
3 capitation rate review to be conducted by the Bureau of Medical Services.

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

**ARTICLE 5W. REGULATION OF BEHAVIORAL HEALTH.**

**§9-5-34. Biennial capitation rate review.**

1 (a) The Bureau of Medicaid Services shall conduct a biennial study reviewing the  
2 adequacy and appropriateness of the reimbursement rates to providers in the IDDW, ADW,  
3 personal care services and TBI Program. The bureau shall include a recommendation for any  
4 adjustment deemed appropriate, including, but not limited to, annual inflationary costs, costs  
5 arising from amendments to existing contracts, costs relating to recruiting and retaining personnel,  
6 and any other costs necessitating additional payments to IDDW, ADW, personal care services and  
7 TBI providers. The bureau may require, and contracted providers shall provide financial data to the  
8 bureau to assist in the study. Without limiting the generality of the foregoing in conducting this  
9 study, the bureau shall review and compare equivalent programs both in and out of state in order  
10 to determine appropriate rates.

11 (b) Upon completion of the study, the bureau shall provide the report to the Joint  
12 Committee of Finance beginning July 1, 2026, and biennially thereafter, on its findings,  
13 conclusions, and recommendations, together with drafts of any legislation necessary to effectuate  
14 its recommendations.

**§16B-12-3. Annual capitation rate review.**

1 [Repealed]

NOTE: The purpose of this bill is to require the Bureau of Medical Services to conduct a biennial capitation rate review.

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