

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**Introduced**

## **Senate Bill 128**

By Senator Tarr

[Introduced February 12, 2025; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §49-4-108 of the Code of West Virginia, 1931, as amended, relating  
2 to removing the option for courts to order services at a higher rate than Medicaid.

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

**ARTICLE 4. COURT ACTIONS.**

Part I. General Provisions.

**§49-4-108. Payment of services.**

1 (a) At any time during any proceedings brought pursuant to this chapter, the court may  
2 upon its own motion, or upon a motion of any party, order the Department of Human Services to  
3 pay the Medicaid rates for professional services rendered by a health care professional to a child  
4 or other party to the proceedings. Professional services include, but are not limited to, treatment,  
5 therapy, counseling, evaluation, report preparation, consultation and preparation of expert  
6 testimony. A health care professional shall be paid by the Department of Human Services upon  
7 completion of services and submission of a final report or other information and documentation as  
8 required by the policies implemented by the Department of Human Services. ~~Provided, That if the~~  
9 ~~service is covered by Medicaid and the service is not provided within 30 days, the court may order~~  
10 ~~the service to be provided by a provider at a rate higher than the Medicaid rate. The department~~  
11 ~~may object and request to be heard, after which the court shall issue findings of fact and~~  
12 ~~conclusions of law supporting its decision~~

13 (b) At any time during any proceeding brought pursuant to this chapter, the court may upon  
14 its own motion, or upon a motion of any party, order the Department of Human Services to pay for  
15 socially necessary services rendered by an entity who has agreed to comply with §9-2-6(21) of this  
16 code. The Department of Human Services shall set the reimbursement rates for the socially  
17 necessary services. ~~Provided, That if services are not provided within 30 days, the court may order~~  
18 ~~a service to be provided by a provider at a rate higher than the department established rate. The~~  
19 ~~department may object and request to be heard, after which the court shall issue findings of fact~~

20 ~~and conclusions of law supporting its decision~~

NOTE: The purpose of this bill is to remove the option for courts to order services at a higher rate than Medicaid.

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