

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 128**

BY SENATORS TARR AND FULLER

[Passed April 12, 2025; in effect 90 days from

passage (July 11, 2025)]



1 AN ACT to amend and reenact §49-4-108 of the Code of West Virginia, 1931, as amended,  
2 relating to courts ordering payment for services in child welfare proceedings; and  
3 eliminating the ability of a court to order certain services for adults to be paid at a higher  
4 rate than the Medicaid rate or the rate established by the Department of Human Services.

*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  
8 as required by the policies implemented by the Department of Human Services: *Provided*, That if  
9 the service is covered by Medicaid, being rendered to a child, and is not provided within 30 days,  
10 the court may order the service to be provided to the child by a provider at a rate higher than the  
11 Medicaid rate. The department may object and request to be heard, after which the court shall  
12 issue findings of fact and conclusions of law supporting its decision.

13 (b) At any time during any proceeding brought pursuant to this chapter, the court may  
14 upon its own motion, or upon a motion of any party, order the Department of Human Services to  
15 pay for socially necessary services rendered by an entity who has agreed to comply with §9-2-  
16 6(20) of this code. The Department of Human Services shall set the reimbursement rates for the  
17 socially necessary services: *Provided*, That if services being rendered to a child are not provided

18 within 30 days, the court may order a service to be provided to the child by a provider at a rate  
19 higher than the department established rate. The department may object and request to be heard,  
20 after which the court shall issue findings of fact and conclusions of law supporting its decision.

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

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

Originated in the Senate.

In effect 90 days from passage.

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within is ..... this the.....  
Day of ....., 2025.

.....  
*Governor*