

# WEST VIRGINIA CODE: §16-29B-31

## §16-29B-31. Hospice need standard review; membership; report to the Legislative Oversight Committee on Health and Human Resources.

(a) The West Virginia Health Care Authority shall form a working group to review the provision of hospice services in West Virginia. The workgroup shall be comprised of the following members:

- (1) The Chairman of the West Virginia Health Care Authority or designee, who shall also be the chair of this workgroup;
- (2) The Secretary of the Department of Health and Human Resources, or designee;
- (3) The Dean of the West Virginia University School of Medicine, or designee;
- (4) The Dean of the Marshall University, Joan C. Edwards School of Medicine, or designee;
- (5) Six hospice providers chosen by the Hospice Council of West Virginia:
  - (A) One of whom must be a for-profit service provider;
  - (B) Two of whom must operate a free-standing inpatient hospice facility; and
  - (C) An equal number of providers selected pursuant to this subsection shall reside in each congressional district;
- (6) One member chosen by the West Virginia chapter of the American Cancer Society;
- (7) One member chosen by the Alzheimer's Association of West Virginia;
- (8) One member chosen by the West Virginia Rural Health Association;
- (9) One member chosen by the West Virginia American Association of Retired Persons;
- (10) A hospital-based hospice provider chosen by the West Virginia Hospital Association;
- (11) One member chosen by the West Virginia Nurses Association;
- (12) A physician chosen by the West Virginia State Medical Association with a practice treating terminal diseases; and
- (13) A physician chosen by the West Virginia Osteopathic Medical Association whose practice includes geriatric patients.

(b) The workgroup shall have the following duties:

(1) Establish a model for data collection to best predict future the need of hospice services in West Virginia and collect the necessary data;

(2) Review the access to hospice services in West Virginia as well as future needs;

(3) Examine how West Virginia serves its population with hospice services;

(4) Examine the financial condition of the current delivery system;

(5) Recommend a need methodology to the authority for the development of new hospice services; and

(6) Make other recommendations the workgroup deems appropriate.

(c) The authority shall provide staff for the workgroup and the workgroup shall schedule one public hearing in each of the congressional districts in West Virginia as it relates to the provision of hospice services in the state. The workgroup shall develop and approve a final report by September 30, 2019, and a copy shall be submitted to the Joint Committee of Government and Finance of the Legislature, the Governor, and the authority. The workgroup will sunset on December 31, 2019.

(d) The authority shall consider modifying the hospice standards based on the report's findings no later than December 1, 2019: Provided, That prior to approving the modified standards, the authority shall present its proposed changes to the hospice need standards to the Legislative Oversight Committee on Health and Human Resources within 30 days after development of the drafts and prior to submission of the final hospice need standards to the Governor.

(e) The need standards regulating hospice services and home health services shall be those that were in effect on January 1, 2018, and shall remain in effect until the Governor approves the new standards no sooner than December 31, 2019.