WEST VIRGINIA CODE CHAPTER 16 ARTICLE 29E

WV Legislature

§16-29E-1. Findings and purpose.

The Legislature hereby finds and declares that:

(1) A crisis exists in the funding of health and social programs of this state;

(2) These programs exist to provide federal and state supported services to citizens in need;

(3) The health and well-being of these citizens is jeopardized when uncontrolled growth in various programs uses a disproportionate share of the available funding;

(4) State programs are often developed and implemented with limited private or federal grant moneys, which require future funding from the limited state resources; and

(5) The problem is exacerbated when various state agencies make competing or conflicting policy decisions.

WV Legislature

§16-29E-2. Legislative intent.

It is the intent of the Legislature that all actions taken pursuant to the provisions of this article by the Legislature and the various agencies within the Department of Health and Human Resources serve the following core set of principles:

(1) That all health and social programs offered under state authority be coordinated to maximize efficiencies and minimize competition within the various agencies thereby addressing the needs of the citizens more effectively;

(2) That communication be facilitated among the various agencies within the Department of Health and Human Resources and between the department and the Legislature;

(3) That policy changes, not made by legislative rule, be discussed with the commission for purposes of coordinating those policies with existing programs and stated goals;

(4) That programs or policies implemented in accordance with federal mandates be communicated to the commission;

(5) That in developing and implementing programs with private or federal grant moneys, the various agencies communicate their efforts to the commission to ensure and facilitate future state funding; and

(6) That agencies previously exempted from rule-making review by federal or state statutes advise the commission of program changes which may affect the health and well-being of the citizens of West Virginia.

WV Legislature

§16-29E-3. Definitions.

As used in this article:

"Agency" means those various agencies, authorities, boards, committees, and commissions with authority to regulate health care providers, practitioners, or consumers; or those offering social services programs within the departments;

"Commission" means the Legislative Oversight Commission on Health and Human Resources Accountability;

"Departments" collectively means the Department of Health, the Department of Human Services, the Department of Health Facilities, the Office of the Inspector General, and all of their bureaus, offices, and programs;

"Outcome measures" means an assessment of the results of a program activity compared to its intended goal and purpose and this goal shall be compared to a state and national rate;

"Output measure" means the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"Performance goal" means a target level of performance expressed as a tangible, measurable objective, against which achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"Performance indicator" means a particular value or characteristic used to measure output or outcome;

"Program activity" means a specific activity related to the mission of the departments; and

"Program evaluation" means an assessment, through objective and systemic analysis, of the manner to which the departments achieved intended objectives.

WV Legislature

§16-29E-4. Creation of a Legislative Oversight commission on health and human resources accountability.

[Repealed.]

WV Legislature

§16-29E-5. Powers and duties of commission.

(a) The powers, duties, and responsibilities of the commission shall include the following:

(1) Make a continuing investigation, study and review of the practices, policies and procedures of the health care and social services agencies in this state;

(2) Make a continuing investigation, study and review of all matters related to health and social policy in the state;

(3) Review program development by the various agencies of the Department of Health and Human Resources;

(4) Conduct studies on health and human services;

(5) Review and study the state Medicaid program in order to determine if the state Medicaid agency, as the payor of last resort, is expending maximum effort to identify alternate private insurance resources for Medicaid beneficiaries;

(6) Review and study the feasibility and financial impact upon the state by ensuring increased access for Medicaid beneficiaries to primary health care in the nonhospital setting by requiring enrollment in a primary care clinic program, if available;

(7) Review and study the feasibility and financial impact upon the state of the establishment of different and lesser schedules of payment for primary health services delivered by a hospital emergency room as compared to the schedule of payments for emergency room services of a true medical emergency nature;

(8) Evaluation of the adequacy and availability of care delivery networks throughout the heath care continuum from primary care to postmortem settings; and

(9) Make a continuing investigation, study, and review of all matters related to any area of concern that exists within the Department of Health and Human Resources, and any successor agencies, including, but not limited to, financial, administrative, programmatic, and systemic issues.

(b) The commission shall make annual reports to the Legislature regarding the results of all investigations, studies and reviews pursuant to §16-29E-7 of this code.

WV Legislature

§16-29E-6. Examination and subpoena powers; contempt proceedings.

(a) For purposes of carrying out its duties, the commission is hereby empowered and authorized to examine witnesses and to subpoena such persons and books, records, documents, papers or any other tangible things as it believes should be examined to make a complete investigation.

(b) All witnesses appearing before the commission under subpoena shall testify under oath or affirmation. Any member of the commission may administer oaths or affirmations to such witnesses.

(c) To compel the attendance of witnesses at such hearings or the production of any books, records, documents, papers or any other tangible thing, the commission is hereby empowered and authorized to issue subpoenas, signed by one of the cochairpersons, in accordance with section five, article one, chapter four of this code. Such subpoenas shall be served by any person authorized by law to serve and execute legal process and service shall be made without charge. Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury in this state.

(d) If any person subpoenaed to appear at any hearing shall refuse to appear or to answer inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers or any other tangible thing within his control when the same are demanded, the commission shall report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and such court may compel obedience to the subpoena as though such subpoena had been issued by such court in the first instance.

WV Legislature

§16-29E-7. Legislative reports.

(a) The commission shall submit annual reports to the Legislature, as required by §16-29E-5 of this code, which such reports shall describe and evaluate in a concise manner:

(1) The major activities of the several health and human resources agencies for the fiscal year immediately past, including important policy decisions reached on initiatives undertaken during that year, especially as such activities, decisions and initiatives relate to:

(A) The implementation of health care or social services programs;

(B) Improving the accessibility of appropriate health care in all areas of this state;

(C) Improving the health status of the citizens of this state; and

(D) Coordinating social services programs to reflect a cohesive delivery of transitional services.

(2) Other information considered by the commission to be important, including recommendations for statutory, fiscal or policy reforms and reasons for such recommendations.

(b) The reports may specify in what manner any practice, policy or procedure may or should be modified to satisfy the goal of efficient and effective delivery of health and social services programs and to improve the quality of health and social services available in this state.

(c) The commission may require the Department of Health and Human Resources to submit reports on a routine or as needed basis. These reports shall be submitted to the commission. The submission instructions and format for the reports may be designated by the commission or the Joint Committee on Government and Finance.

WV Legislature

§16-29E-9. Performance plans.

The departments each shall prepare an annual performance plan covering each program activity set forth in their respective budgets, which each shall include in an annual performance report. The plans shall:

(1) Establish performance goals to define the level of performance to be achieved by a program activity;

(2) Express such goals in an objective, quantifiable, and measurable form;

(3) Briefly describe the operational processes, skills, and technology, and the human, capital, information, or other resources required to meet the performance goals;

(4) Establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

(5) Provide a basis for comparing actual program results with the established performance goals; and

(6) Describe the means to be used to verify and validate measured value.

WV Legislature

§16-29E-10. Program performance reports.

(a) The departments each shall report to the commission on or before July 1, 2026, their progress toward adoption of performance measures and plan for compiling baseline data for fiscal year 2025.

(b) Beginning July 1, 2027, and annually thereafter, each department shall submit a program performance report to the commission.

(c) Each program performance report shall set forth the performance indicators established in that department's plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

(d) The report for fiscal year 2027 shall include actual results for the preceding fiscal year, the report for fiscal year 2028 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2029 and all subsequent reports shall include actual results for the three preceding fiscal years.

(e) Each report shall:

(1) Review the success of achieving performance goals of the relevant fiscal year;

(2) Evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

(3) Explain and describe the following for any performance goal that has not been met:

(A) Why the goal was not met;

(B) Plans and schedules for achieving the goal;

(C) Any factors that the department believes render the performance goal impractical or infeasible; and

(D) Any recommended action; and

(4) Include summary findings of any program evaluations completed during the fiscal year covered by the report.

(f) The reports, strategic plans, performance plans, and program performance reports required under this article shall be conducted only by employees of the departments.

WV Legislature

§16-29E-11. Legislative report.

(a) Annually, on or before January 1, the commission shall submit a report to the Joint Committee on Government and Finance describing and evaluating the following in a concise manner:

(1) The major activities for the preceding year, including important policy decisions reached on initiatives undertaken during that year; and

(2) Other information considered by the commission to be important, including recommendations for statutory, fiscal, or policy reforms and reasons for such recommendations.

(b) The report may specify in what manner any practice, policy, or procedure may or should be modified to satisfy the goal to deliver efficient and effective health and social services programs and to improve the quality of health and social services available in this state.

WV Legislature