WEST VIRGINIA CODE: §18-2-5B

§18-2-5b. Medicaid-eligible children; school health services advisory committee.

(a) The state board shall:

(1) Become a Medicaid provider and seek out Medicaid-eligible students for the purpose of providing Medicaid and related services to students eligible under the Medicaid program; and

(2) Maximize federal reimbursement for all services available under the Omnibus Budget Reconciliation Act of 1989 as it relates to Medicaid expansion and any future expansions in the Medicaid program for Medicaid and related services for which state dollars are or will be expended.

(b) The state board may delegate this provider status and subsequent reimbursement to educational services cooperatives, county boards, public charter schools, or any combination of these entities. A county board or public charter school is not required to seek reimbursement if it determines there is not a net benefit after consideration of costs and time involved with seeking the reimbursement for eligible services and that the billing process detracts from the educational program.

(c) Annually, no later than January 1, the state board shall report the following on a county-by-county basis and on each public charter school to the Legislature:

(1) The number and age of children eligible for Medicaid;

(2) The number and age of children with Medicaid coverage;

(3) The types of Medicaid-eligible services provided;

(4) The frequency of services provided;

(5) The Medicaid dollars reimbursed; and

(6) Any problems encountered in the implementation of this system.

(d) The state board shall appoint and convene a School Health Services Advisory Committee to advise the Secretary of Human Services and the state superintendent on ways to improve the ability of educational services cooperatives, county boards, public charter schools, and Department of Human Services' employees to provide Medicaid-eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the school-based Medicaid service providers bill for and receive all the Medicaid reimbursement to which they are entitled.

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(e) The committee shall consist of at least the following individuals:

(1) The person within the Department of Education responsible for coordinating the provision of and billing for school-based Medicaid services in schools throughout the state, who shall provide secretarial, administrative, and technical support to the advisory committee;

(2) The person within the Department of Human Services responsible for coordinating the enrollment of Medicaid-eligible school children throughout the state;

(3) Two representatives of educational services cooperatives who are experienced with the process of billing Medicaid for school-based health services;

(4) Two Department of Human Services' employees responsible for supervising employees;

(5) Two persons jointly appointed by the Secretary of Human Services and the State Superintendent; and

(6) One representative of the Governor’s Task Force on School Health.

(f) The School Health Services Advisory Committee shall meet in the first instance at the direction of the state superintendent, select a chairperson from among its members, and meet thereafter at the direction of the chairperson. The committee shall report its findings and recommendations to the state board and Department of Human Services, which findings shall then be included in the report to the Legislature by the state board and Department of Human Services provided in subsection (c) of this section.

(g) All actual and necessary travel expenses of the members of the committee shall be reimbursed by each member’s employing agency. For those members not employed by a state agency, the member’s actual and necessary travel expenses shall be paid by the state board. All such expenses shall be reimbursed in the same manner as the expenses of state employees are reimbursed.

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