WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENSENED

HOUSE BILL No. 2182

(By Delegate Smith & Delegate White

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Passed .................. March 8, ........................ 1986

In Effect .............. July 1, 1986
AN ACT to amend and reenact sections three and five, article twenty-nine-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing funding for the indigent care fund, to be administered by the department of human services; and termination of article on specified date.

Be it enacted by the Legislature of West Virginia:

That sections three and five, article twenty-nine-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 29C. INDIGENT CARE.

§16-29C-3. Indigent care fund.

1 (a) There is hereby created in the state treasury a special fund to be known as the indigent care fund.

3 (b) Moneys from the following sources shall be paid into the indigent care fund:

5 (1) For the state's fiscal year beginning in the year one thousand nine hundred eighty-six, the Legislature shall make an appropriation to the indigent care fund in an amount to be determined by it which shall be in addition to its general appropriation to the state's medicaid program; and
(2) On the first day of July, one thousand nine hundred eighty-six, the West Virginia health care cost review authority may assess hospitals under the jurisdiction of the authority, with the exception of hospitals owned and operated by the state government, an aggregate amount of three million dollars: Provided, that if the authority makes such an assessment, the authority shall certify that such assessment is for a one-year period and is necessary for the health and well-being of all the citizens of the state and provide the reasons therefor.

(c) Each hospital assessed pursuant to subdivision (2), subsection (b) of this section shall be assessed on a pro rata basis based upon a three year average of net revenues less expenditures and taxes for each hospital's one thousand nine hundred eighty-three, one thousand nine hundred eighty-four and one thousand nine hundred eighty-five fiscal years weighted by the hospital's ratio of West Virginia gross medicaid revenues to gross patient revenues for the same three-year period. Payment of this assessment shall be remittable no later than the fifteenth day of August, one thousand nine hundred eighty-six.

(d) All moneys paid into the indigent care fund shall be used to supplement the Legislature's general appropriation to the state's medicaid program in order that the state may receive corresponding matching funds from the federal government and the state's medicaid program shall be utilized to finance the amount of inpatient and outpatient acute care hospital services practicable.

(e) If it is determined by the United States department of health and human services that federal medicaid funds will not be forthcoming to match all or part of the funds assessed from hospitals, that portion of the hospital assessment for which no matching federal funds will be forthcoming will not be collected from hospitals and any such hospital assessment already collected will be returned to said hospitals.

(f) Any balance remaining in the indigent care fund
at the end of the state's fiscal year shall not revert to
the state treasury, but shall remain in the indigent care
fund and be used consistent with subsection (d) of this
section.

(g) The West Virginia health care cost review author-
ity shall administer and promulgate rules and regula-
tions to implement the provisions of this section:
Provided, That in so doing the authority shall seek the
advice of the department of human services: Pro-
vided, however, That nothing in this article shall be
construed to give the West Virginia health care cost
review authority any jurisdiction over the medicaid
program or its operations.

§16-29C-5. Effective date and termination date.

This article shall be effective from passage, and,
notwithstanding the provisions of section four of this
article, shall terminate on the thirtieth day of June, one
thousand nine hundred eighty-seven.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce F. Williams
Chairman Senate Committee

Floyd Full
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

Jill C. Willey
Clerk of the Senate

Donald E. Kepp
Clerk of the House of Delegates

Lawrence W. Frank
President of the Senate

Joseph P. Allwright
Speaker of the House of Delegates

The within bill approved this the 26th day of __________, 1986.

Artha. Branch
Governor