

No: 2182

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

# ENROLLED

HOUSE BILL No. 2182

(By ~~the~~ Delegate Smith + Delegate White

— ● —

Passed March 8, 1986

In Effect July 1, 1986 ~~February 1, 1986~~

**ENROLLED**  
**H. B. 2182**

(By DELEGATE SMITH AND DELEGATE WHITE)

[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  
2 special fund to be known as the indigent care fund.

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

5 (1) For the state's fiscal year beginning in the year  
6 one thousand nine hundred eighty-six, the Legislature  
7 shall make an appropriation to the indigent care fund  
8 in an amount to be determined by it which shall be in  
9 addition to its general appropriation to the state's  
10 medicaid program; and

11 (2) On the first day of July, one thousand nine  
12 hundred eighty-six, the West Virginia health care cost  
13 review authority may assess hospitals under the juris-  
14 diction of the authority, with the exception of hospitals  
15 owned and operated by the state government, an  
16 aggregate amount of three million dollars: *Provided,*  
17 That if the authority makes such an assessment, the  
18 authority shall certify that such assessment is for a one-  
19 year period and is necessary for the health and well-  
20 being of all the citizens of the state and provide the  
21 reasons therefor.

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

34 (d) All moneys paid into the indigent care fund shall  
35 be used to supplement the Legislature's general appro-  
36 priation to the state's medicaid program in order that  
37 the state may receive corresponding matching funds  
38 from the federal government and the state's medicaid  
39 program shall be utilized to finance the amount of  
40 inpatient and outpatient acute care hospital services  
41 practicable.

42 (e) If it is determined by the United States depart-  
43 ment of health and human services that federal medi-  
44 caid funds will not be forthcoming to match all or part  
45 of the funds assessed from hospitals, that portion of the  
46 hospital assessment for which no matching federal funds  
47 will be forthcoming will not be collected from hospitals  
48 and any such hospital assessment already collected will  
49 be returned to said hospitals.

50 (f) Any balance remaining in the indigent care fund

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

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

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

1 This article shall be effective from passage, and,  
2 notwithstanding the provisions of section four of this  
3 article, shall terminate on the thirtieth day of June, one  
4 thousand nine hundred eighty-seven.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Bruce O. Williams*  
Chairman Senate Committee

*Floyd Fulbe*  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

*Wald C. Wilson*  
Clerk of the Senate

*Donald T. Stepp*  
Clerk of the House of Delegates

*Sam Tomlinson*  
President of the Senate

*Joseph P. Allright*  
Speaker of the House of Delegates

The within *approved* this the *26th*  
*March* day of \_\_\_\_\_, 1986.

*Arthur. Shaffer*  
Governor

PRESENTED TO THE

GOVERNOR

Date 8/20/86

Time 3:03 pm.

RECEIVED

1969 MAR 23 PM 6 57

CLERK OF COURT

FILE IN THE OFFICE OF  
SHERIFF OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/66