WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED
SENATE BILL NO. 61

(By Senator Tucker)

PASSED March 8, 1986
In Effect 20 days from Passage
E N R O L L E D

Senate Bill No. 61

(BY SENATOR TUCKER)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-c, relating to child welfare; authorizing department of human services to enter into interstate adoption assistance compacts; legislative findings and purpose; definitions; contents of compacts; medical assistance under compacts; and felony penalty for submitting false, misleading or fraudulent claims for payment or reimbursement for services or benefits.

Be it enacted by the Legislature of West Virginia:

That chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-c, to read as follows:

ARTICLE 2C. INTERSTATE ADOPTION ASSISTANCE COMPACT.

§49-2C-1. Interstate adoption assistance compact — Findings and purpose.

1 (a) The Legislature finds that:
2 (1) Finding adoptive families for children, for whom
state assistance is desirable pursuant to section seventeen, article two of this chapter and assuring the protection of the interests of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state; and

(2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

(b) The purposes of sections one through four of this article are to:

(1) Authorize the department of human services to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the department of human services.

(2) Provide procedures for interstate children's adoption assistance payments, including medical payments.

§49-2C-2. Interstate adoption assistance compacts authorized; definitions.

(a) The department of human services is authorized to develop, participate in the development of, negotiate and enter into one or more interstate compacts on behalf of this state with other states to implement one or more of the purposes set forth in sections one through four of this article. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

(b) For the purposes of sections one through four of this article, the term "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of or administered by the United States.

(c) For the purposes of sections one through four of this article, the term "adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(d) For the purposes of sections one through four of this
article, the term "residence state" means the state of which the child is a resident by virtue of the residence of the adoptive parents.

§49-2C-3. Interstate adoption assistance compact — Contents of compact.

1 A compact entered into pursuant to the authority conferred by sections one through four of this article shall have the following content:
2 (1) A provision making it available to joinder by all states.
3 (2) A provision or provisions for withdrawal from the compact upon written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal.
4 (3) A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.
5 (4) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and further, that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.
6 (5) Such other provisions as may be appropriate to implement the proper administration of the compact.

§49-2C-4. Same—Medical assistance.

1 (a) A child with special needs resident in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this state upon the filing in the department of human services of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the
department of human services the adoptive parents shall be
required at least annually to show that the agreement is still
in force or has been renewed.

(b) The department of human services shall consider the
holder of a medical assistance identification pursuant to
this section as any other holder of a medical assistance
identification under the laws of this state and shall process
and make payment on claims on account of such holder in
the same manner and pursuant to the same conditions and
procedures as for other recipients of medical assistance.

(c) The department of human services shall provide
coverage and benefits for a child who is in another state and
who is covered by an adoption assistance agreement made
by the department of human services for the coverage or
benefits, if any, not provided by the residence state. To this
end, the adoptive parents acting for the child may submit
evidence of payment for services or benefit amounts not
payable in the residence state and shall be reimbursed
therefor. However, there shall be no reimbursement for
services or benefit amounts covered under any insurance or
other third party medical contract or arrangement held by
the child or the adoptive parents. The department of human
services shall make regulations implementing this section.
The additional coverages and benefit amounts provided
pursuant to this section shall be for services to the cost of
which there is no federal contribution, or which, if federally
aided, are not provided by the residence state. Among other
things, such regulations shall include procedures to be
followed in obtaining prior approvals for services in those
instances where required for the assistance.

(d) Any person who submits a claim for payment or
reimbursement for services or benefits pursuant to this
section or the making of any statement in connection
therewith, which claim of statement the maker knows or
should know to be false, misleading or fraudulent is guilty
of a felony, and upon conviction thereof, shall be fined not
more than ten thousand dollars, or imprisoned in the
penitentiary not more than two years, or both fined and
imprisoned.

(e) The provisions of this section shall apply only to
medical assistance for children under adoption assistance
agreements from states that have entered into a compact
with this state under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams  
Chairman Senate Committee

Floyd Fuller  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Jeff A. Miller  
Clerk of the Senate

Donald C. Kump  
Clerk of the House of Delegates

Dan Toner  
President of the Senate

Joseph P. Addy  
Speaker House of Delegates

The within ....... Approved ........... this the ......... day of ......... Brach, 1986.

A. A. Shaare Jr.  
Governor
THIS DATE 3/16/1966

SECRETARY OF STATE

FIELD IN THE OFFICE OF

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