WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED
Committee Substitute for
SENATE BILL NO. 10

(By Senators Chafin and Kessler)

PASSED April 12, 2001
In Effect Ninety days from Passage
AN ACT to amend and reenact sections one and four, article four-b, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to defining registered nurse first assistant under medicaid; defining perioperative nursing; providing for medicaid reimbursement of certain services rendered by a registered nurse first assistant; establishing comparative fees for services provided by a registered nurse first assistant; and eliminating outdated provisions regarding the physician/medical practitioner provider medicaid enhancement board.

Be it enacted by the Legislature of West Virginia:
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That sections one and four, article four-b, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 4B. PHYSICIAN/MEDICAL PRACTITIONER PROVIDER MEDICAID ACT.

§9-4B-1. Definitions.

1 The following words, when used in this article, have meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) "Board" means the physician/medical practitioner provider medicaid enhancement board created to develop, review and recommend the physician/medical practitioner provider fee schedule;

(b) "Physician provider" means an allopathic or osteopathic physician, rendering services within this state and receiving reimbursement, directly as an individual provider or indirectly as an employee or agent of a medical clinic, partnership or other business entity;

(c) "Nurse practitioner" means a registered nurse qualified by virtue of his or her education and credentials and approved by the West Virginia board of examiners for registered professional nurses to practice as an advanced practice nurse independently or in a collaborative relationship with a physician;

(d) "Nurse-midwife" means a qualified professional nurse registered with the West Virginia board of examiners for registered professional nurses who by virtue of additional training is specifically qualified to practice nurse-midwifery according to the statement of standards for the practice of nurse-midwifery as set forth by the American college of nurse-midwives;

(e) "Physician assistant" means an assistant to a physician who is a graduate of an approved program of instruc-
tion in primary health care or surgery, has attained a baccalaureate or master's degree, has passed the national certification examination and is qualified to perform direct patient care services under the supervision of a physician;

(f) "Registered nurse first assistant" means one who:

(1) Holds a current active registered nurse licensure;

(2) Is certified in perioperative nursing; and

(3) Has successfully completed and holds a degree or certificate from a recognized program which consists of:

(A) The association of operating room nurses, inc., care curriculum for the registered nurse first assistant; and

(B) One year of post-basic nursing study, which shall include at least forty-five hours of didactic instruction and one hundred twenty hours of clinical internship or its equivalent of two college semesters;

A registered nurse who was certified by the certification board of perioperative nursing before one thousand nine hundred ninety-seven is not required to fulfill the requirements of subdivision (3) of this subsection;

(g) "Perioperative nursing" means a practice of nursing in which the nurse provides preoperative, intraoperative and post-operative nursing care to surgical patients;

(h) "Secretary" means the secretary of the department of health and human resources; and

(i) "Single state agency" means the single state agency for medicaid in this state.


(a) The board shall:

(1) Develop and recommend a reasonable physician/medical practitioner provider fee schedule that
conforms with federal medicaid laws and remains within
the limits of annual funding available to the single state
agency for the medicaid program. In developing the fee
schedule, the board may refer to a nationally published
regional specific fee schedule selected by the secretary of
the department of health and human resources. The board
may consider identified health care priorities in develop-
ing its fee schedule to the extent permitted by applicable
federal medicaid laws and may recommend higher reim-
bursement rates for basic primary and preventive health
care services than for other services. If the single state
agency approves the fee schedule, it shall implement the
physician/medical practitioner provider fee schedule;

(2) Review the fee schedule on a quarterly basis and
recommend to the single state agency any adjustments it
considers necessary. If the single state agency approves
any of the board's recommendations, it shall immediately
implement those adjustments and shall report the same to
the joint committee on government and finance on a
quarterly basis;

(3) Meet and confer with representatives from each
medical specialty area so that equity in reimbursement
increases or decreases be achieved to the greatest extent
possible;

(4) Assist and enhance communications between partici-
pating physician and medical practitioner providers and
the department of health and human resources; and

(5) Review reimbursements in relation to those physician
and medical practitioner providers who provide early and
periodic screening diagnosis and treatment.

(b) The board may carry out any other powers and duties
as prescribed for it by the secretary.

(c) Nothing in this section gives the board the authority
to interfere with the discretion and judgment given to the
single state agency that administers the state's medicaid
program. If the single state agency disapproves the recommendations or adjustments to the fee schedule, it is expressly authorized to make any modifications to fee schedules as are necessary to ensure that total financial requirements of the agency for the current fiscal year with respect to the state's medicaid plan are met and shall report the same to the joint committee on government and finance on a quarterly basis: Provided, That the single state agency shall provide reimbursement for the services of a registered nurse first assistant which reimbursement shall be no less than thirteen and six tenths of one percent of the rate for a surgeon physician. The purpose of the board is to assist and enhance the role of the single state agency in carrying out its mandate by acting as a means of communication between the medicaid provider community and the agency.

(d) On a quarterly basis, the single state agency and the board shall report to the joint committee on government and finance the status of the fund, any adjustments to the fee schedule and the fee schedule for each health care provider group identified in section one of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee


Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ................... approved ............... this the ............


Governor