WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010

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ENROLLED

House Bill No. 4373

(By Delegates Cann, Eldridge, Guthrie, Hatfield, Lawrence, Mahan, Manypenny, Michael, C. Miller, Perdue and Phillips)

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Passed March 12, 2010

In Effect Ninety Days From Passage
ENROLLED

H. B. 4373

(BY DELEGATES CANN, ELDRIDGE, GUTHRIE, HATFIELD, LAWRENCE, MAHAN, MANYPENNY, MICHAEL, C. MILLER, PERDUE AND PHILLIPS)

[Passed March 12, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended, regarding the eligibility of uninsured children to receive insurance under the Children’s Health Insurance Program; eliminating the period of potential ineligibility of an uninsured child to receive insurance under the Children’s Health Insurance Program if they were previously insured by an employer sponsored insurance plan.

Be it enacted by the Legislature of West Virginia:

That §5-16B-6d of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 16B. WEST VIRGINIA CHILDREN’S HEALTH INSURANCE PROGRAM.

§5-16B-6d. Modified benefit plan implementation.

1. (a) Upon approval by the Centers for Medicare and Medicaid Services, the board shall implement a benefit plan for uninsured children of families with income between two hundred and three hundred percent of the federal poverty level.
(b) The benefit plans offered pursuant to this section shall include services determined to be appropriate for children, but may vary from those currently offered by the board.

(c) The board shall structure the benefit plans for this expansion to include premiums, coinsurance or copays and deductibles. The board shall develop the cost sharing features in such a manner as to keep the program fiscally stable without creating a barrier to enrollment. Such features may include different cost-sharing features within this group based upon the percentage of the federal poverty level.

(d) Provider reimbursement schedules shall be no lower than the reimbursement provided for the same services under the plans offered in article sixteen of this chapter.

(e) All provisions of this article are applicable to this expansion unless expressly addressed in this section.

(f) Nothing in this section may be construed to require any appropriation of State General Revenue Funds for the payment of any benefit provided pursuant to this section, except for the state appropriation used to match the federal financial participation funds. In the event that federal funds are no longer authorized for participation by individuals eligible at income levels above two hundred percent, the board shall take immediate steps to terminate the expansion provided for in this section and notify all enrollees of such termination. In the event federal appropriations decrease for the programs created pursuant to Title XXI of the Social Security Act of 1997, the board is directed to make those decreases in this expansion program before making changes to the programs created for those children whose family income is less than two hundred percent of the federal poverty level.
(g) The board is directed to report no less than quarterly to the Legislative Oversight Commission on Health and Human Resources Accountability on the development, implementation and progress of the expansion authorized in this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 15th day of April, 2010.

Governor
PRESENTED TO THE GOVERNOR

MAR 25 2010

Time 10:00 am