WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

ENROLLED

Senate Bill No. 262

(SENATORS COLE (MR. PRESIDENT) AND KESSLER,
BY REQUEST OF THE EXECUTIVE)

[PASSED FEBRUARY 18, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]
AN ACT to amend and reenact §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931, as amended, all relating to transferring the Childrens' Health Insurance Program and Children's Health Insurance Agency from the Department of Administration to the Department of Health and Human Resources; providing for orderly transfer of functions, funds and accounts; and clarifying definition of "Children's Health Insurance Agency".

Be it enacted by the Legislature of West Virginia:

That §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

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

§5-16B-1. Expansion of health care coverage to children; creation of program; legislative directives.

(a) It is the intent of the Legislature to expand access to health services for eligible children and to pay for this coverage by using private, state and federal funds to purchase those services or purchase insurance coverage for those
services. To achieve this intention, the West Virginia
Children's Health Insurance Program is created. The program
shall be administered by the Children's Health Insurance
Agency within the Department of Administration in
accordance with the provisions of this article and the
applicable provisions of Title XXI of the Social Security Act
of 1997: Provided, That on and after July 1, 2015, the
agencies, boards and programs including all of the allied,
advise, affiliated or related entities and funds associated
with the Children's Health Insurance Program and Children's
Health Insurance Agency, shall be incorporated in and
administered as a part of the Department of Health and
Human Resources. Participation in the program may be
made available to families of eligible children, subject to
eligibility criteria and processes to be established, which does
not create an entitlement to coverage in any person. Nothing
in this article requires any appropriation of State General
Revenue Funds for the payment of any benefit provided in
this article. In the event that this article conflicts with the
requirements of federal law, federal law governs.

(b) In developing a Children's Health Insurance Program
that operates with the highest degree of simplicity and
governmental efficiency, the board shall avoid duplicating
functions available in existing agencies and may enter into
interagency agreements for the performance of specific tasks
or duties at a specific or maximum contract price.

(c) In developing benefit plans, the board may consider
any cost savings, administrative efficiency or other benefit to
be gained by considering existing contracts for services with
state health plans and negotiating modifications of those
contracts to meet the needs of the program.

(d) For the transfer of the functions of the Children's
Health Insurance Program and the Children's Health
Insurance Agency from the Department of Administration to
the Department of Health and Human Resources, the
Secretary of the Department of Health and Human Resources
and the Secretary of the Department of Administration, acting
jointly, are empowered to authorize and shall authorize the
transfers of program and agency funds including, but not
limited to, the West Virginia Children’s Health Fund created
in section seven of this article and associated investment
accounts; and transfers of Children’s Health Insurance
Program and Children’s Health Insurance Agency personnel
and equipment, as are necessary, to facilitate an orderly
transfer of the functions of the Children’s Health Insurance
Program and the Children’s Health Insurance Agency.

(e) In order to enroll as many eligible children as possible
in the program created by this article and to expedite the
effective date of their health insurance coverage, the board
shall develop and implement a plan whereby applications for
enrollment may be taken at any primary care center or other
health care provider, as determined by the director, and
transmitted electronically to the program’s offices for
eligibility screening and other necessary processing. The
board may use any funds available to it in the development
and implementation of the plan, including grant funds or
other private or public moneys.

§5-16B-2. Definitions.

As used in this article, unless the context clearly requires
a different meaning:

(a) “Agency” means the Children’s Health Insurance
Agency.

(b) “Board” means the Children’s Health Insurance
Program Board.
(c) "Director" means the Director of the Children's Health Insurance Agency.

(d) "Essential community health service provider" means a health care provider that:

(1) Has historically served medically needy or medically indigent patients and demonstrates a commitment to serve low-income and medically indigent populations which constitute a significant portion of its patient population or, in the case of a sole community provider, serves medically indigent patients within its medical capability; and

(2) Either waives service fees or charges fees based on a sliding scale and does not restrict access or services because of a client's financial limitations. Essential community health service provider includes, but is not limited to, community mental health centers, school health clinics, primary care centers, pediatric health clinics or rural health clinics.

(e) "Program" means the West Virginia Children's Health Insurance Program.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Mark R. Maynard
Chairman Senate Committee

Steve Westfall
Vice Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Mark H. Brewer
Clerk of the Senate

Rick J. Hawkins
Clerk of the House of Delegates

Mathias, P. anderson
President of the Senate

Charles E. Clepper
Speaker of the House of Delegates

The within was approved this the 25th Day of February, 2015.

Earl Ray Tomblin
Governor
PRESENTED TO THE GOVERNOR

FEB 25 2015

Time 9:20 AM