

SB716

# WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

**Enrolled**  
**Committee Substitute**  
**for**  
**Senate Bill 716**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 24 A 10: 01

FILED

SENATORS TAKUBO AND STOLLINGS, *original sponsors*

[Passed March 7, 2020; to take effect July 1, 2020]

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1 AN ACT to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring Department of Health and Human Resources to make payment for tubal  
3 ligation without requiring at least 30 days between the date of informed consent and date  
4 of the tubal ligation procedure; and removing obsolete language.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-12. Medicaid program; maternity and infant care.**

1 (a) The Legislature finds that high rates of infant mortality and morbidity are costly to the  
2 state in terms of human suffering and of expenditures for long-term institutionalization, special  
3 education, and medical care. It is well documented that appropriate care during pregnancy and  
4 delivery can prevent many of the expensive, disabling problems our children experience. There  
5 exists a crisis in this state relating to the availability of obstetrical services, particularly to patients  
6 in rural areas, and to the cost patients must pay for obstetrical services. The availability of  
7 obstetrical service for Medicaid patients enables these patients to receive quality medical care  
8 and to give birth to healthier babies and, consequently, improve the health status of the next  
9 generation.

10 The Legislature further recognizes that public and private insurance mechanisms remain  
11 inadequate, and poor and middle-income women and children are among the most likely to be  
12 without insurance. Generally, low-income, uninsured children receive half as much health care as  
13 their insured counterparts. The state is now investing millions to care for sick infants whose deaths  
14 and disabilities could have been avoided.

15 It is the intent of the Legislature that the Department of Health and Human Resources  
16 participate in the Medicaid program for indigent children and pregnant women established by  
17 Congress under the Consolidated Omnibus Budget Reconciliation Act (COBRA), Public Law 99-  
18 272, the Sixth Omnibus Budget Reconciliation Act (SOBRA), Public Law 99-504, and the  
19 Omnibus Budget Reconciliation Act (OBRA), Public Law 100-203.

20 (b) The department shall:

21 (1) Extend Medicaid coverage to pregnant women and their newborn infants to 185  
22 percent of the federal poverty level and to provide coverage up to 60 days postpartum care,  
23 effective July 1, 2019, or as soon as federal approval has occurred.

24 (2) As provided under COBRA, SOBRA, and OBRA, effective July 1, 1988, infants shall  
25 be included under Medicaid coverage with all children eligible for Medicaid coverage born after  
26 October 1, 1983, whose family incomes are at or below 100 percent of the federal poverty level  
27 and continuing until such children reach the age of eight years.

28 (3) Elect the federal options provided under COBRA, SOBRA, and OBRA impacting  
29 pregnant women and children below the poverty level: *Provided*, That no provision in this article  
30 shall restrict the department in exercising new options provided by or to be in compliance with  
31 new federal legislation that further expands eligibility for children and pregnant women.

32 (4) The department is responsible for the implementation and program design for a  
33 maternal and infant health care system to reduce infant mortality in West Virginia. The health  
34 system design shall include quality assurance measures, case management, and patient  
35 outreach activities. The department shall assume responsibility for claims processing in  
36 accordance with established fee schedules and financial aspects of the program necessary to  
37 receive available federal dollars and to meet federal rules and regulations.

38 (5) Beginning July 1, 1988, the department shall increase to no less than \$600 the  
39 reimbursement rates under the Medicaid program for prenatal care, delivery, and post-partum  
40 care.

41 (c) In order to be in compliance with the provisions of OBRA through rules and regulations,  
42 the department shall ensure that pregnant women and children whose incomes are above the Aid  
43 to Families and Dependent Children (AFDC) payment level are not required to apply for  
44 entitlements under the AFDC program as a condition of eligibility for Medicaid coverage. Further,

45 the department shall develop a short, simplified pregnancy/pediatric application of no more than  
46 three pages, paralleling the simplified OBRA standards.

47 (d) Any woman who establishes eligibility under this section shall continue to be treated  
48 as an eligible individual without regard to any change in income of the family of which she is a  
49 member until the end of the 60-day period beginning on the last day of her pregnancy.

50 (e) The department shall make payment for tubal ligation without requiring at least 30 days  
51 between the date of informed consent and the date of the tubal ligation procedure.

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

*Mark Warner*  
.....  
Chairman, Senate Committee

*Boo Lupo*  
.....  
Chairman, House Committee

Originated in the Senate.

To take effect July 1, 2020.

*Jee Kim*  
.....  
Clerk of the Senate

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Mark B. Canfield*  
.....  
President of the Senate

*Ken Hinkle*  
.....  
Speaker of the House of Delegates

FILED  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within is approved this the 24th  
Day of March, 2020.

*James I. Gooden*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2020

Time 9:32 am