Committee Substitute for Committee Substitute for Senate Bill 247

BY SENATORS WELD, SYPOLT, GRADY, SMITH, STOLLINGS, MARONEY, BALDWIN, ROMANO, LINDSAY, WOELFEL, TAKUBO, PLYMALE, AND JEFFRIES

[Passed March 12, 2022; in effect 90 days from passage]
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[Passed March 12, 2022; in effect 90 days from passage]
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics; providing that a state certification system for Certified Community Behavioral Health Clinics shall be developed; setting forth state certification requirements; providing parties eligible to apply for certification as a Certified Community Behavioral Health Clinic; and providing that participation in the Certified Community Behavioral Health Clinic program is voluntary.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-29. Certified community behavioral health clinics.

(a) The Bureau for Medical Services shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of certified community behavioral health clinics (CCBHCs).

(b) The Bureau for Medical Services, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health, shall establish a state certification system for CCBHCs in accordance with the following requirements:

(1) To the fullest extent practicable, the CCBHC system shall be consistent with the demonstration program established by Section 223 of the Protecting Access to Medicare Act of 2014 (P.L. 113-93, 42 U.S.C. 1396a note), as amended.

(2) Standards and methodologies for a prospective payment system shall be established to reimburse each CCBHC under the state Medicaid program on a predetermined, fixed amount per day for covered services rendered to each Medicaid beneficiary.
(3) A quality incentive payment system shall be established for those CCBHCs which
achieve specific thresholds on performance metrics identified by the Bureau for Medical Services.
Such quality incentive payments shall be in addition to the bundled prospective daily rate.
(4) The prospective payment rate for each CCBHC shall be adjusted tri-annually by the
Medicare Economic Index as defined in Section 223 of Protecting Access to Medicare Act of
2014. In addition, the prospective payment rate shall allow for modifications based upon a change
in scope for an individual CCBHC. Rate adjustments can be made upon request by the provider.
(5) Criteria shall be established to certify a facility as a CCBHC which, at a minimum, shall
require each CCBHC to offer directly, or indirectly through formal referral relationships with other
providers, the following services:
   (A) Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis
intervention services, and crisis stabilization;
   (B) Screening, assessment, and diagnosis, including risk assessment;
   (C) Patient-centered treatment planning or similar processes, including risk assessment
   and crisis planning;
   (D) Outpatient clinic primary care screening and monitoring of key health indicators and
   health risk;
   (E) Targeted case management;
   (F) Psychiatric rehabilitation services;
   (G) Peer support and counselor services;
   (H) Family support services; and
   (I) Community-based mental health services, including mental health services for
members of the armed forces and veterans.
(c) All nonprofit comprehensive community mental health centers, comprehensive
intellectual disability facilities, as established by §27-2A-1 of this code, and all other providers set
forth in the Medicaid state plan amendment shall be eligible to apply for certification as a CCBHC.
(d) The Bureau for Medical Services, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health, shall establish any other procedures and standards as may be necessary for an eligible facility to apply for certification, become certified, and remain certified as a CCBHC, as set forth in the legislative rule developed pursuant to this section.

(e) The participation of any eligible facility in the CCBHC system shall be strictly voluntary. Nothing in this section shall require a facility that is eligible for certification as a CCBHC to apply for such certification.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman, Senate Committee

Originated in the Senate.

In effect 90 days from passage.

[Signatures]
Clerk of the Senate

Clerk of the House of Delegates

[Signatures]
President of the Senate

Speaker of the House of Delegates

The within is approved this the 28th Day of March, 2022.

[Signature]
Governor