

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 730

BY SENATOR MARONEY

[Passed March 08, 2023; in effect from passage]

FILED

2023 MAR 29 P 5:24

**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**

SB 730

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1 AN ACT to amend and reenact §16-29E-3, §16-29E-4, §16-29E-5 and §16-29E-7 of the Code of
2 West Virginia, as amended, all relating to the Legislative Oversight Commission on Health
3 and Human Resources Accountability; defining terms; applying authority of commission
4 to successor agencies of the Department of Health and Human Resources; continuing
5 commission; removing limitation on commission review; expanding authority of
6 commission; permitting commission to require reports; and setting forth instructions for
7 reporting.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN
RESOURCES ACCOUNTABILITY.**

§16-29E-3. Definitions.

1 As used in this article:

2 (a) "Agency" means those various agencies, authorities, boards, committees,
3 commissions, or departments of the Department of Health and Human Resources with authority
4 to promulgate legislative rules pursuant to this chapter that regulate health care providers,
5 practitioners, or consumers; or those offering social services programs;

6 (b) "Commission" means the Legislative Oversight Commission on Health and Human
7 Resources Accountability; and

8 (c) "Department" means the Department of Health and Human Resources, and any
9 successor agencies.

**§16-29E-4. Creation of a Legislative Oversight commission on health and human resources
accountability.**

1 (a) There is continued a joint commission of the Legislature known as the Legislative
2 Oversight Commission on Health and Human Resources Accountability. The commission shall
3 be composed of six members of the Senate appointed by the President of the Senate and six

4 members of the House of Delegates appointed by the Speaker of the House of Delegates. No
5 more than five of the six members appointed by the President of the Senate and the Speaker of
6 the House of Delegates, respectively, may be members of the same political party. In addition,
7 the President of the Senate and Speaker of the House of Delegates shall be ex officio nonvoting
8 members of the commission and shall designate the cochairpersons. At least one of the Senate
9 appointees and one of the House of Delegates appointees shall be the chairperson of the
10 Committee on Health and Human Resources of the Senate and House of Delegates, respectively,
11 and at least one of the Senate appointees and at least one of the House of Delegates appointees
12 shall be a member of the Committee on Finance of the Senate and House of Delegates,
13 respectively. The members shall serve until their successors shall have been appointed as
14 heretofore provided.

15 (b) Members of the commission shall receive such compensation and expenses as
16 provided in §4-2A-1 *et seq.* of this code. Such expenses and all other expenses including those
17 incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory, and
18 other personnel shall be paid from an appropriation to be made expressly for the Legislative
19 Oversight Commission on Health and Human Resources Accountability: *Provided*, That if no such
20 appropriation be made, such expenses shall be paid from the appropriation under "Fund No. 0175
21 for Joint Expenses" created pursuant to the provisions of said chapter: *Provided, however*, That
22 no expense of any kind payable under the account for joint expenses shall be incurred unless first
23 approved by the Joint Committee on Government and Finance.

24 (c) The commission shall meet at any time both during sessions of the Legislature and in
25 the interim or as often as may be necessary.

§16-29E-5. Powers and duties of commission.

1 (a) The powers, duties, and responsibilities of the commission shall include the following:

2 (1) Make a continuing investigation, study and review of the practices, policies and
3 procedures of the health care and social services agencies in this state;

4 (2) Make a continuing investigation, study and review of all matters related to health and
5 social policy in the state;

6 (3) Review program development by the various agencies of the Department of Health
7 and Human Resources;

8 (4) Conduct studies on health and human services;

9 (5) Review and study the state Medicaid program in order to determine if the state
10 Medicaid agency, as the payor of last resort, is expending maximum effort to identify alternate
11 private insurance resources for Medicaid beneficiaries;

12 (6) Review and study the feasibility and financial impact upon the state by ensuring
13 increased access for Medicaid beneficiaries to primary health care in the nonhospital setting by
14 requiring enrollment in a primary care clinic program, if available;

15 (7) Review and study the feasibility and financial impact upon the state of the
16 establishment of different and lesser schedules of payment for primary health services delivered
17 by a hospital emergency room as compared to the schedule of payments for emergency room
18 services of a true medical emergency nature;

19 (8) Evaluation of the adequacy and availability of care delivery networks throughout the
20 health care continuum from primary care to postmortem settings; and

21 (9) Make a continuing investigation, study, and review of all matters related to any area of
22 concern that exists within the Department of Health and Human Resources, and any successor
23 agencies, including, but not limited to, financial, administrative, programmatic, and systemic
24 issues.

25 (b) The commission shall make annual reports to the Legislature regarding the results of
26 all investigations, studies and reviews pursuant to §16-29E-7 of this code.

§16-29E-7. Legislative reports.

1 (a) The commission shall submit annual reports to the Legislature, as required by §16-
2 29E-5 of this code, which such reports shall describe and evaluate in a concise manner:

3 (1) The major activities of the several health and human resources agencies for the fiscal
4 year immediately past, including important policy decisions reached on initiatives undertaken
5 during that year, especially as such activities, decisions and initiatives relate to:

6 (A) The implementation of health care or social services programs;

7 (B) Improving the accessibility of appropriate health care in all areas of this state;

8 (C) Improving the health status of the citizens of this state; and

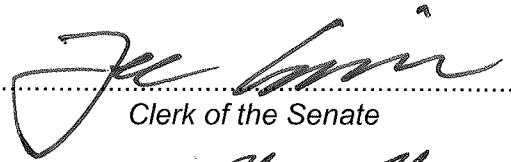
9 (D) Coordinating social services programs to reflect a cohesive delivery of transitional
10 services.

11 (2) Other information considered by the commission to be important, including
12 recommendations for statutory, fiscal or policy reforms and reasons for such recommendations.

13 (b) The reports may specify in what manner any practice, policy or procedure may or
14 should be modified to satisfy the goal of efficient and effective delivery of health and social
15 services programs and to improve the quality of health and social services available in this state.

16 (c) The commission may require the Department of Health and Human Resources to
17 submit reports on a routine or as needed basis. These reports shall be submitted to the
18 commission. The submission instructions and format for the reports may be designated by the
19 commission or the Joint Committee on Government and Finance.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.


Clerk of the Senate


Clerk of the House of Delegates


Originated in the Senate.


In effect from passage.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

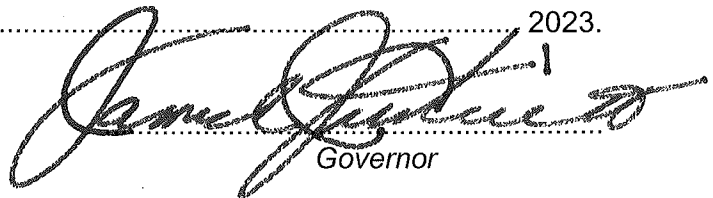
2023 MAR 29 P 5:24

FILED


President of the Senate


Speaker of the House of Delegates

The within is approved this the 29th
Day of March 2023.


Governor

PRESENTED TO THE GOVERNOR

MAR 13 2023

Time 1:08 pm