

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 617

BY SENATOR BARRETT

[Originating in the Committee on Health and Human
Resources; reported on February 22, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §9-11-1 and §9-11-2, all relating to the Intellectual and Development
3 Disabilities Waiver Program workforce study; outlining program data required to be
4 included in the study; requiring recommendations for hourly pay; and creating an annual
5 capitation review.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11 WORKFORCE STUDY AND RATE REVIEW.

§9-11-1. Intellectual and Developmental Disabilities Waiver Program workforce study.

1 (a) Not later than July 1, 2023, the West Virginia Legislature's Joint Committee on
2 Government and Finance or its designee (the Joint Committee) shall conduct a workforce study
3 pertaining to the Intellectual and Developmental Disabilities Waiver Program (IDDW Program).
4 The study shall use data and statistics generally relied upon by reasonably prudent individuals,
5 and shall determine/address the following:

6 (1) The categories of personnel offering services as part of the IDDW Program;

7 (2) The mean hourly pay rate for each such category of personnel, broken down by West
8 Virginia County where service is provided to patients;

9 (3) The mean hourly pay rate for each such category of personnel offering services as part
10 of programs equivalent to the IDDW Program in surrounding states, including, but not limited to,
11 Maryland, Pennsylvania, Virginia, Ohio, and Kentucky;

12 (4) A comparison of the hourly pay rates identified in subdivision 2 and 3 of subsection (a)
13 of this section, broken down by category of personnel; and

14 (5) Any other factor the Joint Committee reasonably deems relevant to the issues.

15 (b) Within the report the Joint Committee shall make recommendations as to the
16 appropriateness of the current West Virginia mean hourly pay rate for each category of IDDW
17 Program personnel, as well as any potential pay rate increases necessary to ensure that West
18 Virginia IDDW Programs can successfully recruit and retain qualified personnel.

19 (c) The Joint Committee shall issue this report to the regular session of the Legislature,
20 2024, on its findings, conclusions, and recommendations, together with drafts of any legislation
21 necessary to effectuate its recommendations.

§9-11-2. Annual capitation rate review.

1 (a) The West Virginia Department of Health and Human Services, Bureau of Medicaid
2 Services (BMS) shall conduct an annual study reviewing the adequacy and appropriateness of
3 the reimbursement rates to providers in the IDDW Program. The Bureau of Medicaid Services
4 shall also include a recommendation for any adjustment deemed appropriate, including, but not
5 limited to, annual inflationary costs, costs arising from amendments to existing contracts, costs
6 relating to recruiting and retaining personnel, and any other costs necessitating additional
7 payments to IDDW providers. The Bureau of Medicaid Services may require, and BMS'
8 contracted providers shall provide financial data to BMS in the format prescribed by BMS to assist
9 in the study. Without limiting the generality of the foregoing in conducting this study, BMS shall
10 look to equivalent programs both in and out of state in order to determine appropriate rates.

11 (b) Upon completion of the study, BMS shall provide the report to the Joint Committee of
12 Finance beginning July 1, 2024, and annually thereafter, on its findings, conclusions, and
13 recommendations, together with drafts of any legislation necessary to effectuate its
14 recommendations.