

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 730**

By Senator Maroney

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

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 to  
4 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 to  
4 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 be  
3 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 the  
6 House of Delegates, respectively, may be members of the same political party. In addition, the  
7 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 no  
22 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 and  
7 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 all  
26 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 §16-29E-  
2 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.