

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 820**

BY SENATORS WELD AND PLYMALE

[Passed March 8, 2024; in effect 90 days from

passage (June 6, 2024)]



1 AN ACT to amend and reenact §9-5-29 of the Code of West Virginia, 1931, as amended, relating  
2 to substance abuse; defining terms; requiring the Department of Human Services to  
3 develop performance measures; stating the Department of Human Services will obtain  
4 input from specified stakeholders regarding provider-level outcome measures; to receive  
5 input establishing deadlines; requiring reporting; requiring the department to develop a  
6 quality withhold program; establishing deadlines; and requiring the department to develop  
7 a workplan for automatic day one enrollment to a managed care organization for all  
8 Medicaid enrollees who are eligible for managed care.

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

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-29. Department of Human Services to develop outcome measures for substance use disorder; develop a quality withhold program; and develop and implement plan for day one enrollment of Medicaid enrollees.**

1 (a) For purposes of this section:

2 "Department" means the Department of Human Services.

3 "Managed care organizations" means a certified health maintenance organization (HMO)  
4 that provides health care services to Medicaid members pursuant to an agreement or contract  
5 with the Bureau for Medical Services.

6 "Quality withhold" means, in a capitated model, having a portion of a rate withheld subject  
7 to performance consistent with established quality requirements.

8 (b) The department, shall develop performance outcome measures to be implemented at  
9 the provider level for substance use disorder in-patient providers. These provider-level outcome  
10 measures will include, but not be limited to, nationally recognized measures of performance  
11 outcomes related to substance use disorder in-patient care. The Department will utilize national  
12 standards from Hedis and/or Atlas, as well as other standardized measures, in developing the  
13 provider-level outcome measures and will obtain input from the West Virginia Behavioral

14 Healthcare Providers Association and West Virginia Association of Addiction and Prevention  
15 Professionals. The measures will be reported to the Legislative Oversight Commission on Health  
16 and Human Resources Accountability on or before August 30, 2024, and will be implemented no  
17 later than January 1, 2025, from the initial baseline. These measures shall be shared with the  
18 managed care organizations to inform contracting decisions.

19 (c) The department, shall develop a managed care quality withhold program based upon  
20 nationally recognized measures of performance outcomes, including those related to substance  
21 use disorder in-patient care. These measures will be reported to the Legislative Oversight  
22 Commission on Health and Human Resources Accountability on or before May 30, 2024, and  
23 implemented for baseline July 1, 2024. The baseline year will be to establish new entrant into the  
24 market. The capitation withhold will begin July 1, 2025.

25 (d) The department, shall plan for automatic day one enrollment to a managed care  
26 organization for all Medicaid enrollees who are eligible for managed care. This workplan shall be  
27 presented to the Legislative Oversight Commission on Health and Human Resources  
28 Accountability on or before September 30, 2024. The workplan will detail the steps to accomplish  
29 this goal, the system changes required, the Center for Medicare and Medicaid Service (CMS)  
30 authority changes required along with a detailed timeline of milestones, and a projected  
31 completion deadline.

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

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

Originated in the Senate.

In effect 90 days from passage.

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within is ..... this the.....  
Day of ....., 2024.

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*Governor*