

COMMITTEE SUBSTITUTE

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Senate Bill No. 560

(By Senator Stollings (By Request))

[Originating in the Committee on the Judiciary;
reported February 28, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-20a, relating to the rate-setting model utilized by the board being exempt from public disclosure; and providing when the options generated by the computer program are available to the public.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-29B-20a, to read as follows:

ARTICLE 29B. HEALTH CARE AUTHORITY.

§16-29B-20a. Confidentiality of the rate-setting model.

1 In its decision-making process on standard rate applica-
2 tions, the board utilizes a computer program known as the
3 rate-setting model to generate options for the board. The
4 board's options are various calculated rates that the board
5 may elect to award to a hospital. The rate-setting model is
6 predecisional in nature and part of the deliberative process
7 and, as such, shall be exempt from public disclosure: *Pro-*
8 *vided*, That the options generated by the computer program
9 shall be made available to the public, upon request, follow-
10 ing any decision by the board utilizing the rate-setting
11 model.

(NOTE: This section is new; therefore, strike-throughs and underscoring have been omitted.)