



1 health services for eligible children and to pay for this coverage  
2 by using private, state and federal funds to purchase those  
3 services or purchase insurance coverage for those services. To  
4 achieve this intention, the West Virginia Children's Health  
5 Insurance Program is hereby created. The program shall be  
6 administered by the Children's Health Insurance Agency within the  
7 Department of Administration in accordance with the provisions of  
8 this article and the applicable provisions of Title XXI of the  
9 Social Security Act of 1997: Provided, That beginning on and after  
10 July 1, 2014, the agencies, boards and programs, including all of  
11 the allied, advisory, affiliated or related entities and funds,  
12 associated with the Children's Health Insurance Program and  
13 Children's Health Insurance Agency are incorporated in and  
14 administered as a part of the Department of Health and Human  
15 Resources. Participation in the program may be made available to  
16 families of eligible children, subject to eligibility criteria and  
17 processes to be established, which shall not create an entitlement  
18 to coverage in any person. Nothing in this article may be construed  
19 to require any appropriation of state general revenue funds for the  
20 payment of any benefit provided ~~for~~ in this article. In the event  
21 that this article conflicts with the requirements of federal law,  
22 federal law governs.

1 (b) In developing a children's health insurance program that  
2 operates with the highest degree of simplicity and governmental  
3 efficiency, the board shall avoid duplicating functions available  
4 in existing agencies and may enter into interagency agreements for  
5 the performance of specific tasks or duties at a specific or  
6 maximum contract price.

7 (c) In developing benefit plans, the board may consider any  
8 cost savings, administrative efficiency or other benefit to be  
9 gained by considering existing contracts for services with state  
10 health plans and negotiating modifications of those contracts to  
11 meet the needs of the program.

12 (d) ~~Upon~~ For the transfer of the functions of the Children's  
13 Health Insurance Program and the Children's Health Insurance Agency  
14 ~~from the department of health and human resources to the children's~~  
15 ~~health insurance agency within the~~ Department of Administration to  
16 the Department of Health and Human Resources, the Secretary of the  
17 Department of ~~health and human resources~~ Administration and the  
18 Secretary of the Department of ~~administration~~ Health and Human  
19 Resources, acting jointly, are empowered to authorize and shall  
20 authorize such transfers of program and agency funds including, but  
21 not limited to, the West Virginia Children's Health Fund created in  
22 section seven of this article and associated investment accounts;

1 and transfers of Children's Health Insurance Program and Children's  
2 Health Insurance Agency personnel and equipment, as are necessary,  
3 to facilitate an orderly transfer of the functions of the  
4 Children's Health Insurance Program and Children's Health Insurance  
5 Agency. ~~Authority to make transfers pursuant to this subsection~~  
6 ~~expires on the thirty-first day of December, two thousand~~

7 (e) In order to enroll as many eligible children as possible  
8 in the program created by this article and to expedite the  
9 effective date of their health insurance coverage, the board shall  
10 develop and implement a plan whereby applications for enrollment  
11 may be taken at any primary care center or other health care  
12 provider, as determined by the director, and transmitted  
13 electronically to the program's offices for eligibility screening  
14 and other necessary processing. The board may use any funds  
15 available to it in the development and implementation of the plan,  
16 including grant funds or other private or public moneys.

17 **§5-16B-2. Definitions.**

18 As used in this article, unless the context clearly requires  
19 a different meaning:

20 (a) "Agency" means the Children's Health Insurance Agency;  
21 ~~within the department of administration;~~

22 (b) "Board" means the Children's Health Insurance Program

1 Board;

2 (c) "Director" means the Director of the Children's Health  
3 Insurance Agency;

4 (d) "Essential community health service provider" means a  
5 health care provider that:

6 (1) Has historically served medically needy or medically  
7 indigent patients and demonstrates a commitment to serve low-income  
8 and medically indigent populations which constitute a significant  
9 portion of its patient population or, in the case of a sole  
10 community provider, serves medically indigent patients within its  
11 medical capability; and

12 (2) Either waives service fees or charges fees based on a  
13 sliding scale and does not restrict access or services because of  
14 a client's financial limitations. Essential community health  
15 service provider includes, but is not limited to, community mental  
16 health centers, school health clinics, primary care centers,  
17 pediatric health clinics or rural health clinics.

18 (e) "Program" means the West Virginia Children's Health  
19 Insurance Program.

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(NOTE: The purpose of this bill is to move the Children's  
Health Insurance Program ("CHIP") from the Department of

Administration to the Department of Health and Human Resources.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.)