

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Enrolled

Senate Bill 384

BY SENATORS TAKUBO AND STOLLINGS

[Passed March 10, 2016;

in effect 90 days from passage]

1 AN ACT to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating
2 to requiring West Virginia Bureau for Medical Services seek federal waiver to provide for
3 exemption from the thirty-day waiting period for a tubal ligation; and making stylistic
4 changes.

Be it enacted by the Legislature of West Virginia:

1 That §9-5-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-12. Medicaid program; maternity and infant care.

1 (a) The Legislature finds that high rates of infant mortality and morbidity are costly to the
2 state in terms of human suffering and of expenditures for long-term institutionalization, special
3 education and medical care. It is well documented that appropriate care during pregnancy and
4 delivery can prevent many of the expensive, disabling problems our children experience. There
5 exists a crisis in this state relating to the availability of obstetrical services, particularly to patients
6 in rural areas, and to the cost patients must pay for obstetrical services. The availability of
7 obstetrical service for Medicaid patients enables these patients to receive quality medical care
8 and to give birth to healthier babies and, consequently, improve the health status of the next
9 generation.

10 The Legislature further recognizes that public and private insurance mechanisms remain
11 inadequate, and poor women and children are among the most likely to be without insurance.
12 Generally, low-income, uninsured children receive half as much health care as their insured
13 counterparts. The state is now investing millions to care for sick infants whose deaths and
14 disabilities could have been avoided.

15 It is the intent of the Legislature that the Department of Health and Human Resources
16 participate in the Medicaid program for indigent children and pregnant women established by
17 Congress under the Consolidated Omnibus Budget Reconciliation Act (COBRA), Public Law 99-

18 272, the Sixth Omnibus Budget Reconciliation Act (SOBRA), Public Law 99-504, and the
19 Omnibus Budget Reconciliation Act (OBRA), Public Law 100-203.

20 (b) The department shall:

21 (1) Extend Medicaid coverage to pregnant women and their newborn infants to one
22 hundred fifty percent of the federal poverty level, effective July 1, 1988.

23 (2) As provided under COBRA, SOBRA and OBRA, effective July 1, 1988, infants shall be
24 included under Medicaid coverage with all children eligible for Medicaid coverage born on or after
25 October 1, 1983, whose family incomes are at or below one hundred percent of the federal poverty
26 level and continuing until such children reach the age of eight years.

27 (3) Elect the federal options provided under COBRA, SOBRA and OBRA impacting
28 pregnant women and children below the poverty level: *Provided*, That no provision in this article
29 shall restrict the department in exercising new options provided by or to be in compliance with
30 new federal legislation that further expands eligibility for children and pregnant women.

31 (4) The department shall be responsible for the implementation and program design for
32 a maternal and infant health care system to reduce infant mortality in West Virginia. The health
33 system design shall include quality assurance measures, case management and patient outreach
34 activities. The department shall assume responsibility for claims processing in accordance with
35 established fee schedules, and financial aspects of the program necessary to receive available
36 federal dollars and to meet federal rules and regulations.

37 (5) Beginning July 1, 1988, the department shall increase to no less than \$600 the
38 reimbursement rates under the Medicaid program for prenatal care, delivery and post-partum
39 care.

40 (c) In order to be in compliance with the provisions of OBRA, through rules and regulations
41 the department shall ensure that pregnant women and children whose incomes are above the Aid
42 to Families and Dependent Children (AFDC) payment level are not required to apply for
43 entitlements under the AFDC program as a condition of eligibility for Medicaid coverage. Further,

44 the department shall develop a short, simplified pregnancy/pediatric application of no more than
45 three pages, paralleling the simplified OBRA standards.

46 (d) Any woman who establishes eligibility under this section shall continue to be treated
47 as an eligible individual without regard to any change in income of the family of which she is a
48 member until the end of the sixty-day period beginning on the last day of her pregnancy.

49 (e) No later than July 1, 2016, the department shall seek a waiver of the requirements
50 that all women seek thirty-day approval from the federal Center for Medicare and Medicaid
51 Services prior to receiving a tubal ligation.