

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 68

BY SENATORS FERNS AND TAKUBO, *original sponsors*

[Passed March 7, 2016; in effect 90 days from
passage]

1 AN ACT to repeal §16-29B-19, §16-29B-19a, §16-29B-20, §16-29B-20a, §16-29B-21 and §16-
2 29B-21a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-
3 29B-1, §16-29B-10 and §16-29B-27 of said code, all relating to the powers of the Health
4 Care Authority; eliminating authority of the Health Care Authority to conduct rate review;
5 eliminating authority of the Health Care Authority to set rates for hospitals; and eliminating
6 antiquated studies to be conducted by the Health Care Authority.

Be it enacted by the Legislature of West Virginia:

That §16-29B-19, §16-29B-19a, §16-29B-20, §16-29B-20a, §16-29B-21 and §16-29B-21a
of the Code of West Virginia, 1931, as amended, be repealed; and that §16-29B-1, §16-29B-10
and §16-29B-27 of said code be amended and reenacted to read as follows:

ARTICLE 29B. HEALTH CARE AUTHORITY.

§16-29B-1. Legislative findings; purpose.

1 The Legislature hereby finds that the health and welfare of the citizens of this state is
2 being threatened by unreasonable increases in the cost of health care services, a fragmented
3 system of health care, lack of integration and coordination of health care services, unequal access
4 to primary and preventative care, lack of a comprehensive and coordinated health information
5 system to gather and disseminate data to promote the availability of cost-effective, high-quality
6 services and to permit effective health planning and analysis of utilization, clinical outcomes and
7 cost and risk factors. In order to alleviate these threats: (1) Information on health care costs must
8 be gathered; and (2) an entity of state government must be given authority to ensure the
9 containment of health care costs, to gather and disseminate health care information; to analyze
10 and report on changes in the health care delivery system as a result of evolving market forces,
11 and to assure that the state health plan, certificate of need program, and information systems
12 serve to promote cost containment, access to care, quality of services and prevention. Therefore,
13 the purpose of this article is to protect the health and well-being of the citizens of this state by
14 guarding against unreasonable loss of economic resources as well as to ensure the continuation

15 of appropriate access to cost-effective, high-quality health care services.

§16-29B-10. Jurisdiction of the board.

1 Notwithstanding any other provision of this code or state law, after July 1, 2016, the
2 jurisdiction of the board or authority as to rates for health services care ceases to exist.

3 The board shall propose rules for legislative approval in accordance with the provisions of
4 article three, chapter twenty-nine-a of this code requiring hospitals, as part of its annual financial
5 disclosure filings, to provide to the authority the average patient charge of the twenty-five most
6 frequently used out-patient diagnostic services. The authority shall publish the information on its
7 website expressed in terminology that can be understood by the general public.

§16-29B-27. Penalties for violations.

1 In addition to civil remedies set forth, any person or health care provider violating any
2 provision of this article or any valid order or rule lawfully established hereunder shall be guilty of
3 a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.
4 Each day of a continuing violation after conviction shall be considered a separate offense.