

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 68**

BY SENATORS FERNS AND TAKUBO

[Introduced January 13, 2016;

Referred to the Committee on Health and Human

Resources; and then to the Committee on Finance.]

1 A BILL to repeal §16-29B-19, §16-29B-20, §16-29B-21 and §16-29B-21a of the Code of West  
 2 Virginia, 1931, as amended; and to amend and reenact §16-29B-10 of said code, relating  
 3 generally to powers and duties of the Health Care Authority; eliminating authority of the  
 4 Health Care Authority to conduct rate review and set rates for hospitals; and establishing  
 5 grandfathering clause.

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

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 2 Virginia, 1931, as amended, be repealed; and that §16-29B-10 of said code be amended and  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

**ARTICLE 29B. HEALTH CARE AUTHORITY.**

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

1 (a) Notwithstanding any other provision of this code or state law, after July 1, 1984 2016,  
 2 the jurisdiction of the board or authority as to rates for health services care ~~shall extend to all~~  
 3 ~~hospitals as defined herein doing business in the State of West Virginia (with the exception of~~  
 4 ~~hospitals owned and operated by the federal government)~~ ceases to exist. Any rate review order  
 5 in place or executed by a hospital based upon a rate set prior to July 1, 2016, may not be modified  
 6 or altered based solely upon the amendment to this section during the 2016 Regular Session of  
 7 the Legislature.

8 ~~(b) Those costs or charges associated with individual health care providers or health care~~  
 9 ~~provider groups providing inpatient or outpatient services under a contractual agreement with~~  
 10 ~~hospitals (excluding simple admitting privileges) shall be under the jurisdiction of the board. The~~  
 11 ~~jurisdiction of the board shall not extend to the regulation of rates of private health care providers~~  
 12 ~~or health care groups providing inpatient or outpatient services under a contractual agreement~~  
 13 ~~with hospitals when the provision of such service is outside the hospital setting, and shall not~~  
 14 ~~extend to the regulation of rates of all other private health care providers practicing outside the~~  
 15 ~~hospital setting. *Provided,* That such practice outside of the hospital setting is not found to be an~~

16 ~~evasion of the purposes of this article.~~

NOTE: The purpose of this bill is to alter the powers and duties of the Health Care Authority. It changes the authority of the Health Care Authority to collect from hospitals a financial obligation based upon gross revenue to amount based upon net revenue and to eliminates the authority of the Health Care Authority regarding rate review for hospitals.

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