

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 537

SENATORS BOSO AND CLINE, *original sponsors*

[Passed March 8, 2019; in effect 90 days from

passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16-29B-31, relating to establishing health care standards by the Health Care
3 Authority; establishing a workgroup to review certain standards in this state; designating
4 members of workgroup; providing for duties of workgroup; providing that the Health Care
5 Authority provide staff for the workgroup; providing for public hearings; providing for the
6 submission of a final report; establishing a termination date of the workgroup; providing a
7 time frame to review health care standards; freezing current standards for a period of time;
8 and establishing a time frame to complete the review.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29B. HEALTH CARE AUTHORITY.

**§16-29B-31. Hospice need standard review; membership; report to the Legislative
Oversight Committee on Health and Human Resources.**

1 (a) The West Virginia Health Care Authority shall form a working group to review the
2 provision of hospice services in West Virginia. The workgroup shall be comprised of the following
3 members:

4 (1) The Chairman of the West Virginia Health Care Authority or designee, who shall also
5 be the chair of this workgroup;

6 (2) The Secretary of the Department of Health and Human Resources, or designee;

7 (3) The Dean of the West Virginia University School of Medicine, or designee;

8 (4) The Dean of the Marshall University, Joan C. Edwards School of Medicine, or
9 designee;

10 (5) Six hospice providers chosen by the Hospice Council of West Virginia:

11 (A) One of whom must be a for-profit service provider;

12 (B) Two of whom must operate a free-standing inpatient hospice facility; and

13 (C) An equal number of providers selected pursuant to this subsection shall reside in each
14 congressional district;

- 15 (6) One member chosen by the West Virginia chapter of the American Cancer Society;
- 16 (7) One member chosen by the Alzheimer's Association of West Virginia;
- 17 (8) One member chosen by the West Virginia Rural Health Association;
- 18 (9) One member chose by the West Virginia American Association of Retired Persons;
- 19 (10) A hospital-based hospice provider chosen by the West Virginia Hospital Association;
- 20 (11) One member chosen by the West Virginia Nurses Association;
- 21 (12) A physician chosen by the West Virginia State Medical Association with a practice
- 22 treating terminal diseases; and
- 23 (13) A physician chosen by the West Virginia Osteopathic Medical Association whose
- 24 practice includes geriatric patients.
- 25 (b) The workgroup shall have the following duties:
- 26 (1) Establish a model for data collection to best predict future the need of hospice services
- 27 in West Virginia and collect the necessary data;
- 28 (2) Review the access to hospice services in West Virginia as well as future needs;
- 29 (3) Examine how West Virginia serves its population with hospice services;
- 30 (4) Examine the financial condition of the current delivery system;
- 31 (5) Recommend a need methodology to the authority for the development of new hospice
- 32 services; and
- 33 (6) Make other recommendations the workgroup deems appropriate.
- 34 (c) The authority shall provide staff for the workgroup and the workgroup shall schedule
- 35 one public hearing in each of the congressional districts in West Virginia as it relates to the
- 36 provision of hospice services in the state. The workgroup shall develop and approve a final report
- 37 by September 30, 2019, and a copy shall be submitted to the Joint Committee of Government
- 38 and Finance of the Legislature, the Governor, and the authority. The workgroup will sunset on
- 39 December 31, 2019.

40 (d) The authority shall consider modifying the hospice standards based on the report's
41 findings no later than December 1, 2019: *Provided*, That prior to approving the modified
42 standards, the authority shall present its proposed changes to the hospice need standards to the
43 Legislative Oversight Committee on Health and Human Resources within 30 days after
44 development of the drafts and prior to submission of the final hospice need standards to the
45 Governor.

46 (e) The need standards regulating hospice services and home health services shall be
47 those that were in effect on January 1, 2018, and shall remain in effect until the Governor
48 approves the new standards no sooner than December 31, 2019.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2019.

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Governor