

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Introduced**

## **Senate Bill 782**

BY SENATORS MARONEY AND PLYMALE

[Introduced February 14, 2020; referred  
to the Committee on Health and Human Resources]



1 A BILL to amend and reenact §16-29B-8 of the Code of West Virginia, 1931, as amended, relating  
2 to the fees assessed on certain hospitals by the Health Care Authority; eliminating the  
3 assessment termination date; correcting a mathematical error; and other technical  
4 cleanup.

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

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

**§16-29B-8. Powers generally; budget expenses of the authority.**

1 (a) The authority may:

2 (1) Adopt, amend, and repeal necessary, appropriate, and lawful policy guidelines and, in  
3 cooperation with the secretary, propose rules in accordance with §29A-3-1 *et seq.* of this code;

4 (2) Hold public hearings, conduct investigations, and require the filing of information  
5 relating to matters affecting the costs of health care services subject to the provisions of this article  
6 and may subpoena witnesses, papers, records, documents, and all other data in connection  
7 therewith. The board may administer oaths or affirmations in any hearing or investigation;

8 (3) Exercise, subject to limitations or restrictions herein imposed, all other powers which  
9 are reasonably necessary or essential to effect the express objectives and purposes of this article;

10 (4) Assess a fee on a pro rata basis on hospitals, except critical access ~~hospital~~ hospitals,  
11 using net patient revenue, as defined under generally accepted accounting principles. The  
12 assessment may not exceed a total five one hundredths of one percent of its net patient revenue  
13 in a fiscal year. The amount of the assessment shall be determined by the authority based upon  
14 the information provided in a hospital's most recent audited financial statement. The authority  
15 shall collect the assessment on a semi-annual basis. ~~Two hundred and fifty~~ Twenty-five  
16 thousandths of one percent shall be collected on July 1. The amount of the second assessment  
17 shall be based upon the projected expenses to perform the duties consistent with §16-29B-1 *et*  
18 *seq.* and §16-2D-1 *et seq.* of this code, but may not exceed ~~two hundred and fifty~~ twenty-five  
19 thousandths of one percent and shall be collected after January 1 of the next year. The

20 assessment shall be paid into the State Treasury and kept as a special revolving fund designated  
21 Health Care Cost Review Fund, with the moneys in the fund being expendable after appropriation  
22 by the Legislature for purposes consistent with §16-29B-1 *et seq.* and §16-2D-1 *et seq.* of this  
23 code. The secretary may use any balance remaining in the Health Care Cost Review Fund at the  
24 end of June 30, 2017, to support the financial viability of certain critical access hospitals that  
25 operate rural health clinics in West Virginia. Any balance remaining in the fund at the end of June  
26 30, 2018, and thereafter shall not revert to the treasury, but shall remain in said fund and such  
27 moneys shall be expendable after appropriation by the Legislature in ensuing fiscal years. ~~The~~  
28 ~~assessment shall terminate on July 1, 2020~~

29 (b) The Legislature finds that health care services will be disrupted and important data  
30 could be lost which could create significant hardships upon health care providers and the citizens  
31 of this state, therefore an emergency exists and the authority shall promulgate emergency rules  
32 pursuant to the provisions of §29-3-15 of this code to effectuate the changes in this article by July  
33 1, 2017.

NOTE: The purpose of this bill is to correct a mathematical error and eliminate the assessment termination date.

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