

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 553

BY SENATORS SYPOLT, AZINGER, CLEMENTS, GRADY,
HAMILTON, KARNES, MARTIN, MAYNARD, PHILLIPS,
ROBERTS, SMITH, STOVER, SWOPE, TAKUBO, TARR,
TRUMP, WELD, WOODRUM, RUCKER, AND NELSON
[Passed March 08, 2022; in effect from passage]

1 AN ACT to amend and reenact §16-29B-8, §16-29B-24, and §16-29B-25 of the Code of West
2 Virginia, 1931, as amended, all relating to the powers of the West Virginia Health Care
3 Authority; removing authority to adopt, amend, and repeal policy guidelines; making
4 technical changes; requiring legislative rulemaking regarding the uniform bill; permitting
5 fees for custom data request; and requiring the Secretary of the Department of Health and
6 Human Resources to give notice and file legislative rules when assuming the West Virginia
7 Health Care Authority's data repository powers and duties.

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 The authority may:

2 (1) In cooperation with the secretary, propose legislative rules in accordance with §29A-
3 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
6 article, and may subpoena witnesses, papers, records, documents, and all other data in
7 connection therewith. The board may administer oaths or affirmations in any hearing or
8 investigation; and

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

**§16-29B-24. Reports required to be filed; and legislative rulemaking regarding uniform bill
database.**

1 (a) A covered facility, within 120 days after the end of its fiscal year, unless granted an
2 extension by the authority, shall file with the authority its annual financial report prepared by an
3 accountant or auditor.

4 (b) A covered facility, if applicable by legislative rule, shall submit, upon request of the
5 authority, but at least annually:

6 (1) A statement of charges for all services rendered, except a behavioral health facility
7 shall submit its gross rates for its top 30 services by utilization;

8 (2) The Health Care Authority financial report, through the uniform reporting system;

9 (3) The current Uniform Bill form in effect for inpatients. This data is not subject to the
10 provisions of §16-29B-25(f) of this code: *Provided*, That the authority, in cooperation with the
11 secretary, shall propose rules for legislative approval in accordance with the provisions of §29A-
12 3-1 *et seq.* of this code within the applicable time limit to be considered by the Legislature during
13 the regular session of the Legislature, 2023. The legislative rule shall include the following:

14 (A) Procedures for the collection, retention, use, and disclosure of data from the uniform
15 bill database, including provisions and safeguards to protect the privacy, integrity, confidentiality,
16 and availability of any data;

17 (B) Procedures for the collection of required data elements, required data format, code
18 tables, edit specifications, thresholds required for a submission to be deemed complete, methods
19 for submitting data, and submission schedules;

20 (C) Fees not to exceed \$50 per custom data request payable by users of the data, if any;
21 and

22 (D) Repeal of all other existing policies, manuals, and guidelines regarding the submission
23 of uniform bill data promulgated by the authority, as of the effective date of the legislative rule or
24 July 1, 2024, whichever comes first.

25 (c) The authority may request from a covered facility, except hospitals, the information
26 from §16-29B-24(a) and §16-29B-24(b) of this code from its related organization.

27 (d) A home health agency shall annually submit a utilization survey.

28 (e) A covered facility failing to submit a report to the authority shall be notified by the
29 authority and, if the failure continues for 10 days after receipt of the notice, the delinquent facility
30 or organization is subject to a penalty of \$1,000 for each day thereafter the failure continues.

§16-29B-25. Data repository.

1 (a) The authority shall:

2 (1) Coordinate and oversee the health data collection of state agencies;

3 (2) Lead state agencies' efforts to make the best use of emerging technology to affect the
4 expedient and appropriate exchange of health care information and data, including patient records
5 and reports; and

6 (3) Coordinate database development, analysis, and report to facilitate cost management,
7 review utilization review and quality assurance efforts by state payor and regulatory agencies,
8 insurers, consumers, providers, and other interested parties.

9 (b) A state agency collecting health data shall work through the authority to develop an
10 integrated system for the efficient collection, responsible use, and dissemination of data and to
11 facilitate and support the development of statewide health information systems that will allow for
12 the electronic transmittal of all health information and claims processing activities of a state
13 agency within the state, and to coordinate the development and use of electronic health
14 information systems within state government.

15 (c) The authority shall establish minimum requirements and issue reports relating to
16 information systems of state health programs, including simplifying and standardizing forms and
17 establishing information standards and reports for capitated managed care programs.

18 (d) The authority shall develop a comprehensive system to collect ambulatory health care
19 data.

20 (e) The authority may access any health-related database maintained or operated by a
21 state agency for the purposes of fulfilling its duties. The use and dissemination of information from
22 that database shall be subject to the confidentiality provisions applicable to that database.

23 (f) A report, statement, schedule, or other filing may not contain any medical or individual
24 information personally identifiable to a patient or a consumer of health services, whether directly
25 or indirectly.

26 (g) A report, statement, schedule, or other filing filed with the authority is open to public
27 inspection and examination during regular hours. A copy shall be made available to the public
28 upon request upon payment of a fee.

29 (h) The authority may require the production of any records necessary to verify the
30 accuracy of any information set forth in any statement, schedule, or report filed under the
31 provisions of this article.

32 (i) The authority may provide requested aggregate data to an entity. The authority may
33 charge a fee to an entity to obtain the data collected by the authority. The authority may not
34 charge a fee to a covered entity to obtain the data collected by the authority.

35 (j) The authority shall provide to the Legislative Oversight Commission on Health and
36 Human Resources Accountability before July 1, 2018, and every other year thereafter, a strategic
37 data collection and analysis plan:

38 (1) What entities are submitting data;

39 (2) What data is being collected;

40 (3) The types of analysis performed on the submitted data;

41 (4) A way to reduce duplicative data submissions; and

42 (5) The current and projected expenses to operate the data collection and analysis
43 program.

44 (k) The Secretary of the Department of Health and Human Resources may assume the
45 powers and duties provided to the authority in this section, if the secretary determines it is more
46 efficient and cost effective to have direct control over the data repository program. To the extent
47 that the secretary assumes the powers and duties in this section, the secretary shall inform the
48 Legislative Oversight Commission on Health and Human Resources Accountability by July 1,

49 2023, and on July 1 of each year thereafter, regarding each program for which he or she is
50 exercising such authority and shall propose rules for legislative approval in accordance with the
51 provisions of §29A-3-1 *et seq.* of this code within the time limit to be considered by the Legislature
52 during its next regular session. In the event the secretary has already assumed the powers and
53 duties provided to the authority in this section, the secretary shall propose rules for legislative
54 approval in accordance with the provisions of §29A-3-1 *et seq.* of this code within the time limit to
55 be considered by the Legislature during the regular session of the Legislature, 2023.

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 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

The within this the.....
Day of, 2022.

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Governor