

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2854

By Delegates Summers, McGeehan, Tully, Petitto,

Miller, Forsht, Clark, Young and Rohrbach

[Introduced January 20, 2023; Referred to the Committee

on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §49-2-111d, relating to reimbursement for child-care; requiring federal waiver
 3 to pay child-care providers based upon enrollment rather than attendance of the child;
 4 requiring development of performance-based contracting standards to reimburse child
 5 care providers; setting forth minimum criteria in developing performance-based criteria;
 6 and establishing deadlines.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-111d. Priorities for the use of funds for child-care and performance-based contracting.

1 (a) Beginning July 1, 2023, the Department of Health and Human Resources shall seek
 2 any necessary federal waivers, if needed, in order to pay child-care providers, set forth in this
 3 chapter, for a child’s enrollment rather than attendance until performance-based reimbursement
 4 standards are developed as set forth in the timeframes of this article.

5 (b) The Department of Health and Human Resources, working in conjunction with
 6 stakeholders, including, but not limited to, child-care providers, shall develop performance-based
 7 standards to reimburse child-care providers no later than July 1, 2026. In the event that these
 8 standards are not in place by July 1, 2026, the reimbursement rate shall be based upon
 9 attendance rather than enrollment as of that date.

10 (c) "Performance-based contract" means results-oriented contracting that focuses on
 11 quality or outcomes that tie at least a portion of the contractor’s payment, contract extensions, or
 12 contract renewals to the achievement of specific measurable performance standards and goals.

13 (d) The performance-based contracting shall include at a minimum the following factors:

14 (1) A new reimbursement rate determined as a result of the performance standards and
 15 that rate cannot be based upon only enrollment of the child;

16 (2) The use of evidence-based practices, as defined in §49-1-111a of this code;

17 (3) Developing a transparent and publicly available quality rating program to help families
18 understand their child-care providers progress in quality improvement;

19 (4) Improving child development and school readiness through high quality early learning
20 opportunities as measured by:

21 (A) Increasing the number and proportion of children kindergarten-ready;

22 (B) Increasing the proportion of children in early learning programs that have achieved a
23 progressively higher score or maintained a high score in the quality rating program develop
24 pursuant to this subsection; and

25 (C) Increasing the available supply of licensed child-care in both child-care centers and
26 family homes, including providers not receiving state subsidy.

NOTE: The purpose of this bill is to require the Department of Health and Human Resources to seek a federal waiver to pay child-care providers for enrollment rather than attendance of the child. This bill also requires the development of performance based contracting standards to enable a shift from an enrollment payment to a performance-based payment as of July 1, 2026.

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