

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5032

By Delegates Burkhammer, Jeffries, and Coop-
Gonzalez

[Introduced January 23, 2024; Referred to the
Committee on Banking and Insurance then Health
and Human Resources]

1 A BILL to amend and reenact §16-2D-3 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring health care facilities not exempt from certificates of need to provide health care
 3 services to persons who are under the public employees insurance act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2D. CERTIFICATE OF NEED.
§16-2D-3. Powers and duties of the authority.

1 (a) The authority shall:
 2 (1) Administer the certificate of need program;
 3 (2) Review the state health plan, the certificate of need standards, and the cost
 4 effectiveness of the certificate of need program and make any amendments and modifications to
 5 each that it may deem necessary, no later than September 1, 2017, and biennially thereafter.
 6 (3) Shall adjust the expenditure minimum annually and publish to its website the updated
 7 amount on or before December 31, of each year. The expenditure minimum adjustment shall be
 8 based on the DRI inflation index.
 9 (4) Create a standing advisory committee to advise and assist in amending the state health
 10 plan, the certificate of need standards, and performing the state agencies' responsibilities.
 11 (b) The authority may:
 12 (1) (A) Order a moratorium upon the offering or development of a health service when
 13 criteria and guidelines for evaluating the need for the health service have not yet been adopted or
 14 are obsolete or when it determines that the proliferation of the health service may cause an
 15 adverse impact on the cost of health services or the health status of the public.
 16 (B) A moratorium shall be declared by a written order which shall detail the circumstances
 17 requiring the moratorium. Upon the adoption of criteria for evaluating the need for the health
 18 service affected by the moratorium, or 180 days from the declaration of a moratorium, whichever is
 19 less, the moratorium shall be declared to be over and applications for certificates of need are
 20 processed pursuant to ~~section eight~~ §16-2D-8 of this code.

21 (2) Approve an emerging health service or technology for one year.

22 (3) Exempt from certificate of need or annual assessment requirements to financially
23 vulnerable health care facilities located in underserved areas that the state agency and the Office
24 of Community and Rural Health Services determine are collaborating with other providers in the
25 service area to provide cost effective health services.

1 (c) The authority shall order that all health care facilities, not exempt from certificate of
2 need requirements under this article, to provide health care services to all persons who are eligible
3 for insurance coverage under the public employees insurance act pursuant to §5-16-1 et seq. of
4 this code.

NOTE: The purpose of this bill is to require health care facilities not exempt from certificates of need to provide health care services to persons who are under the public employees insurance act (PEIA).

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