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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED

Committee Substitute for
SENATE BILL NO. 10

(By Senators Chafin and Kessler)

PASSED April 12, 2001

In Effect Ninety days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 10

(SENATORS CHAFIN AND KESSLER, *original sponsors*)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and four, article four-b, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to defining registered nurse first assistant under medicaid; defining perioperative nursing; providing for medicaid reimbursement of certain services rendered by a registered nurse first assistant; establishing comparative fees for services provided by a registered nurse first assistant; and eliminating outdated provisions regarding the physician/medical practitioner provider medicaid enhancement board.

Be it enacted by the Legislature of West Virginia:

That sections one and four, article four-b, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 4B. PHYSICIAN/MEDICAL PRACTITIONER PROVIDER MEDICAID ACT.

§9-4B-1. Definitions.

1 The following words, when used in this article, have
2 meanings ascribed to them in this section, except in those
3 instances where the context clearly indicates a different
4 meaning:

5 (a) "Board" means the physician/medical practitioner
6 provider medicaid enhancement board created to develop,
7 review and recommend the physician/medical practitioner
8 provider fee schedule;

9 (b) "Physician provider" means an allopathic or osteo-
10 pathic physician, rendering services within this state and
11 receiving reimbursement, directly as an individual pro-
12 vider or indirectly as an employee or agent of a medical
13 clinic, partnership or other business entity;

14 (c) "Nurse practitioner" means a registered nurse
15 qualified by virtue of his or her education and credentials
16 and approved by the West Virginia board of examiners for
17 registered professional nurses to practice as an advanced
18 practice nurse independently or in a collaborative rela-
19 tionship with a physician;

20 (d) "Nurse-midwife" means a qualified professional
21 nurse registered with the West Virginia board of examin-
22 ers for registered professional nurses who by virtue of
23 additional training is specifically qualified to practice
24 nurse-midwifery according to the statement of standards
25 for the practice of nurse-midwifery as set forth by the
26 American college of nurse-midwives;

27 (e) "Physician assistant" means an assistant to a physi-
28 cian who is a graduate of an approved program of instruc-

29 tion in primary health care or surgery, has attained a
30 baccalaureate or master's degree, has passed the national
31 certification examination and is qualified to perform
32 direct patient care services under the supervision of a
33 physician;

34 (f) "Registered nurse first assistant" means one who:

35 (1) Holds a current active registered nurse licensure;

36 (2) Is certified in perioperative nursing; and

37 (3) Has successfully completed and holds a degree or
38 certificate from a recognized program which consists of:

39 (A) The association of operating room nurses, inc., care
40 curriculum for the registered nurse first assistant; and

41 (B) One year of post-basic nursing study, which shall
42 include at least forty-five hours of didactic instruction and
43 one hundred twenty hours of clinical internship or its
44 equivalent of two college semesters;

45 A registered nurse who was certified by the certification
46 board of perioperative nursing before one thousand nine
47 hundred ninety-seven is not required to fulfill the require-
48 ments of subdivision (3) of this subsection;

49 (g) "Perioperative nursing" means a practice of nursing
50 in which the nurse provides preoperative, intraoperative
51 and post-operative nursing care to surgical patients;

52 (h) "Secretary" means the secretary of the department
53 of health and human resources; and

54 (i) "Single state agency" means the single state agency
55 for medicaid in this state.

§9-4B-4. Powers and duties.

1 (a) The board shall:

2 (1) Develop and recommend a reasonable physi-
3 cian/medical practitioner provider fee schedule that

4 conforms with federal medicaid laws and remains within
5 the limits of annual funding available to the single state
6 agency for the medicaid program. In developing the fee
7 schedule, the board may refer to a nationally published
8 regional specific fee schedule selected by the secretary of
9 the department of health and human resources. The board
10 may consider identified health care priorities in develop-
11 ing its fee schedule to the extent permitted by applicable
12 federal medicaid laws and may recommend higher reim-
13 bursement rates for basic primary and preventive health
14 care services than for other services. If the single state
15 agency approves the fee schedule, it shall implement the
16 physician/medical practitioner provider fee schedule;

17 (2) Review the fee schedule on a quarterly basis and
18 recommend to the single state agency any adjustments it
19 considers necessary. If the single state agency approves
20 any of the board's recommendations, it shall immediately
21 implement those adjustments and shall report the same to
22 the joint committee on government and finance on a
23 quarterly basis;

24 (3) Meet and confer with representatives from each
25 medical specialty area so that equity in reimbursement
26 increases or decreases be achieved to the greatest extent
27 possible;

28 (4) Assist and enhance communications between partici-
29 pating physician and medical practitioner providers and
30 the department of health and human resources; and

31 (5) Review reimbursements in relation to those physician
32 and medical practitioner providers who provide early and
33 periodic screening diagnosis and treatment.

34 (b) The board may carry out any other powers and duties
35 as prescribed for it by the secretary.

36 (c) Nothing in this section gives the board the authority
37 to interfere with the discretion and judgment given to the
38 single state agency that administers the state's medicaid

39 program. If the single state agency disapproves the
40 recommendations or adjustments to the fee schedule, it is
41 expressly authorized to make any modifications to fee
42 schedules as are necessary to ensure that total financial
43 requirements of the agency for the current fiscal year with
44 respect to the state's medicaid plan are met and shall
45 report the same to the joint committee on government and
46 finance on a quarterly basis: *Provided*, That the single
47 state agency shall provide reimbursement for the services
48 of a registered nurse first assistant which reimbursement
49 shall be no less than thirteen and six tenths of one percent
50 of the rate for a surgeon physician. The purpose of the
51 board is to assist and enhance the role of the single state
52 agency in carrying out its mandate by acting as a means of
53 communication between the medicaid provider community
54 and the agency.

55 (d) On a quarterly basis, the single state agency and the
56 board shall report to the joint committee on government
57 and finance the status of the fund, any adjustments to the
58 fee schedule and the fee schedule for each health care
59 provider group identified in section one of this article.

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates
President of the Senate
Speaker House of Delegates

The within is approved this the 23rd
Day of April, 2001.

Governor

PRESENTED TO THE
GOVERNOR

Date 4/16/01

Time 6:35 p