

H. B. 2735

(By Delegates Perdue, Perry, Border,
Fleischauer, Marshall, Moore and Staggers)

[Introduced February 26, 2013; referred to the
Committee on Health and Human Resources then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §9-2-13, relating to
elective or nonmedically indicated induced deliveries or
cesarean sections performed at a hospital on a medical
assistance recipient before the thirty-ninth week of
gestation; achieving cost savings by implementing certain
quality initiatives; requiring the Department of Health and
Human Resources to coordinate with certain entities to collect
information regarding induced deliveries and cesarean
sections; requiring certain hospitals to work with physicians
to reduce the number of certain induced deliveries and
cesarean sections before the thirty-ninth week of gestation;
requiring the Department of Health and Human Resources to
perform a study and submit a written report; and requiring
waivers or authorizations to be requested from federal

1 agencies in certain instances.

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

3 That the Code of West Virginia, 1931, as amended, be amended
4 by adding thereto a new section, designated §9-2-13, to read as
5 follows:

6 **ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND**
7 **RESPONSIBILITIES GENERALLY.**

8 **§9-2-13. Deliveries before the thirty-ninth week.**

9 (a) The department shall achieve cost savings with improved
10 outcomes by adopting and implementing quality initiatives that are
11 evidence-based, tested and fully consistent with established
12 standards of clinical care and that are designed to reduce the
13 number of elective or nonmedically indicated induced deliveries or
14 cesarean sections performed at a hospital on a medical assistance
15 recipient before the thirty-ninth week of gestation.

16 (b) The department shall coordinate with physicians,
17 hospitals, managed care organizations, and the department's billing
18 contractor for the medical assistance program to develop a process
19 for collecting information regarding the number of induced
20 deliveries and cesarean sections described in subsection (a) of
21 this section that occur during prescribed periods.

22 (c) A hospital that provides obstetrical services shall
23 collaborate with physicians providing services at the hospital to

1 develop quality initiatives to reduce the number of elective or
2 nonmedically indicated induced deliveries or cesarean sections
3 performed at the hospital on a woman before the thirty-ninth week
4 of gestation.

5 (d) The department shall conduct a study to assess the effects
6 of the quality initiatives adopted under this section on infant
7 health and frequency of infant admissions to neonatal intensive
8 care units and hospital readmissions for mothers and infants.

9 (e) The department shall submit a written report containing
10 the findings of the study conducted under this section together
11 with its recommendations to the Legislative Oversight Committee on
12 Health and Human Resources Accountability.

13 (f) If before implementing any provision of this section a
14 state agency determines that a waiver or authorization from a
15 federal agency is necessary for implementation of that provision,
16 the agency affected by the provision shall request the waiver or
17 authorization and may delay implementing that provision until the
18 waiver or authorization is granted.

NOTE: The purpose of this bill is to reduce the number of elective or nonmedically indicated induced deliveries or cesarean sections performed at a hospital on a medical assistance recipient before the thirty-ninth week of gestation. The bill achieves cost savings by implementing certain quality initiatives. The bill requires the Department of Health and Human Resources to coordinate with certain entities to collect information regarding induced deliveries and cesarean sections. The bill requires certain hospitals to work with physicians to reduce the number of certain

induced deliveries and cesarean sections before the thirty-ninth week of gestation. The bill requires the Department of Health and Human Resources to perform a study and submit a written report. The bill requires waivers or authorizations to be requested from federal agencies if it is necessary for implementation of any of the bill's provisions.

This section is new; therefore, it has been completely underscored.