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WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

SB 262

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ENROLLED

Senate Bill No. 262

(SENATORS COLE (MR. PRESIDENT) AND KESSLER,
BY REQUEST OF THE EXECUTIVE)

[PASSED FEBRUARY 18, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

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(SENATORS COLE (MR. PRESIDENT) AND KESSLER,
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[Passed February 18, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931, as amended, all relating to transferring the Children's Health Insurance Program and Children's Health Insurance Agency from the Department of Administration to the Department of Health and Human Resources; providing for orderly transfer of functions, funds and accounts; and clarifying definition of "Children's Health Insurance Agency".

Be it enacted by the Legislature of West Virginia:

That §5-16B-1 and §5-16B-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 16B. WEST VIRGINIA CHILDREN'S HEALTH INSURANCE PROGRAM.

§5-16B-1. Expansion of health care coverage to children; creation of program; legislative directives.

- 1 (a) It is the intent of the Legislature to expand access to
- 2 health services for eligible children and to pay for this
- 3 coverage by using private, state and federal funds to purchase
- 4 those services or purchase insurance coverage for those

5 services. To achieve this intention, the West Virginia
6 Children's Health Insurance Program is created. The program
7 shall be administered by the Children's Health Insurance
8 Agency within the Department of Administration in
9 accordance with the provisions of this article and the
10 applicable provisions of Title XXI of the Social Security Act
11 of 1997: *Provided*, That on and after July 1, 2015, the
12 agencies, boards and programs including all of the allied,
13 advisory, affiliated or related entities and funds associated
14 with the Children's Health Insurance Program and Children's
15 Health Insurance Agency, shall be incorporated in and
16 administered as a part of the Department of Health and
17 Human Resources. Participation in the program may be
18 made available to families of eligible children, subject to
19 eligibility criteria and processes to be established, which does
20 not create an entitlement to coverage in any person. Nothing
21 in this article requires any appropriation of State General
22 Revenue Funds for the payment of any benefit provided in
23 this article. In the event that this article conflicts with the
24 requirements of federal law, federal law governs.

25 (b) In developing a Children's Health Insurance Program
26 that operates with the highest degree of simplicity and
27 governmental efficiency, the board shall avoid duplicating
28 functions available in existing agencies and may enter into
29 interagency agreements for the performance of specific tasks
30 or duties at a specific or maximum contract price.

31 (c) In developing benefit plans, the board may consider
32 any cost savings, administrative efficiency or other benefit to
33 be gained by considering existing contracts for services with
34 state health plans and negotiating modifications of those
35 contracts to meet the needs of the program.

36 (d) For the transfer of the functions of the Children's
37 Health Insurance Program and the Children's Health

38 Insurance Agency from the Department of Administration to
39 the Department of Health and Human Resources, the
40 Secretary of the Department of Health and Human Resources
41 and the Secretary of the Department of Administration, acting
42 jointly, are empowered to authorize and shall authorize the
43 transfers of program and agency funds including, but not
44 limited to, the West Virginia Children's Health Fund created
45 in section seven of this article and associated investment
46 accounts; and transfers of Children's Health Insurance
47 Program and Children's Health Insurance Agency personnel
48 and equipment, as are necessary, to facilitate an orderly
49 transfer of the functions of the Children's Health Insurance
50 Program and the Children's Health Insurance Agency.

51 (e) In order to enroll as many eligible children as possible
52 in the program created by this article and to expedite the
53 effective date of their health insurance coverage, the board
54 shall develop and implement a plan whereby applications for
55 enrollment may be taken at any primary care center or other
56 health care provider, as determined by the director, and
57 transmitted electronically to the program's offices for
58 eligibility screening and other necessary processing. The
59 board may use any funds available to it in the development
60 and implementation of the plan, including grant funds or
61 other private or public moneys.

§5-16B-2. Definitions.

1 As used in this article, unless the context clearly requires
2 a different meaning:

3 (a) "Agency" means the Children's Health Insurance
4 Agency.

5 (b) "Board" means the Children's Health Insurance
6 Program Board.

7 (c) "Director" means the Director of the Children's
8 Health Insurance Agency.

9 (d) "Essential community health service provider" means
10 a health care provider that:

11 (1) Has historically served medically needy or medically
12 indigent patients and demonstrates a commitment to serve
13 low-income and medically indigent populations which
14 constitute a significant portion of its patient population or, in
15 the case of a sole community provider, serves medically
16 indigent patients within its medical capability; and

17 (2) Either waives service fees or charges fees based on a
18 sliding scale and does not restrict access or services because
19 of a client's financial limitations. Essential community health
20 service provider includes, but is not limited to, community
21 mental health centers, school health clinics, primary care
22 centers, pediatric health clinics or rural health clinics.

23 (e) "Program" means the West Virginia Children's Health
24 Insurance Program.

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

Mark R. Raymond
.....
Chairman Senate Committee

Steve Westfall
.....
Vice Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Mike Brown
.....
Clerk of the Senate

Steph J. Harris
.....
Clerk of the House of Delegates

Keith P. Walcott
.....
President of the Senate

Charles E. Stinebaugh
.....
Speaker of the House of Delegates

The within *is approved*..... this the *25th*
Day of *February*....., 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

FEB 25 2015

Time 9:20am