

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 746

SENATORS MARONEY, STOLLINGS, TAKUBO, AND

PALUMBO, *original sponsors*

[Passed March 5, 2020; in effect 90 days from
passage]

1 AN ACT to amend and reenact §16-4E-6 of the Code of West Virginia, 1931, as amended, relating
2 to providing that contracted managed care companies with the Bureau for Medical
3 Services may be provided data from the uniform maternal screening tool regarding their
4 own covered members; providing that the Bureau for Medical Services may be provided
5 data from the screening tool regarding their own covered members; and requiring
6 confidentiality must be maintained.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4E. UNIFORM MATERNAL SCREENING ACT.

§16-4E-6. Confidentiality of screening tool.

1 (a) The uniform maternal screening tool shall be confidential and shall not be released or
2 disclosed to anyone, including any state or federal agency for any reason other than data analysis
3 of high-risk and at-risk pregnancies for planning purposes by public health officials: *Provided,*
4 That managed care organizations, with respect to their Medicaid or CHIP plans or contracts,
5 which are reviewed and approved by the Department of Health and Human Resources' Bureau
6 for Medical Services, and the Department of Health and Human Resources' Bureau for Medical
7 Services may be provided data from the screening tool regarding their own covered members.
8 The contracted managed care companies and the Bureau for Medical Services must maintain the
9 confidentiality of the data received.

10 (b) Proceedings, records, and opinions of the advisory council are confidential and are not
11 subject to discovery, subpoena, or introduction into evidence in any civil or criminal proceeding.
12 Nothing in this subsection is to be construed to limit or restrict the right to discover, or use in any
13 civil or criminal proceeding anything that is available from another source and entirely
14 independent of the proceedings of the advisory council.

15 (c) Members of the advisory council may not be questioned in any civil or criminal
16 proceeding regarding information presented in, or opinions formed as a result of, a meeting of the

- 17 panel. Nothing in this subsection may be construed to prevent a member of the advisory council
18 from testifying to information obtained independently of the panel or which is public information.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2020.

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Governor