

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2266**

BY DELEGATES ROHRBACH, L. PACK, J. PACK, WORRELL,

PUSHKIN, FLEISCHAUER, YOUNG, ROWE AND WILLIAMS

[Passed April 10, 2021; in effect from passage.]



1 AN ACT to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating  
2 to expanding certain insurance coverages for pregnant women; and providing an effective  
3 date.

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

**§9-5-12. Medicaid program; maternity and infant care.**

1 (a) The department shall:

2 (1) Extend Medicaid coverage to pregnant women and their newborn infants to 185  
3 percent of the federal poverty level and to provide coverage up to 1-year postpartum care,  
4 effective July 1, 2021 or as soon as federal approval has occurred.

5 (2) As provided under the Consolidated Omnibus Budget Reconciliation Act (COBRA),  
6 Public Law 99-272, the Sixth Omnibus Budget Reconciliation Act (SOBRA), Public Law 99-509,  
7 and the Omnibus Budget Reconciliation Act (OBRA), Public Law 100-203, effective July 1, 1988,  
8 infants shall be included under Medicaid coverage with all children eligible for Medicaid coverage  
9 born after October 1, 1983, whose family incomes are at or below 100 percent of the federal  
10 poverty level and continuing until such children reach the age of eight years.

11 (3) Elect the federal options provided under COBRA, SOBRA, and OBRA impacting  
12 pregnant women and children below the poverty level: *Provided*, That no provision in this article  
13 shall restrict the department in exercising new options provided by or to be in compliance with  
14 new federal legislation that further expands eligibility for children and pregnant women.

15 (4) The department is responsible for the implementation and program design for a  
16 maternal and infant health care system to reduce infant mortality in West Virginia. The health  
17 system design shall include quality assurance measures, case management, and patient  
18 outreach activities. The department shall assume responsibility for claims processing in  
19 accordance with established fee schedules and financial aspects of the program necessary to  
20 receive available federal dollars and to meet federal rules and regulations.

21           (5) The department shall increase to no less than \$600 the reimbursement rates under the  
22 Medicaid program for prenatal care, delivery, and post-partum care.

23           (b) In order to be in compliance with the provisions of OBRA through rules and regulations,  
24 the department shall ensure that pregnant women and children whose incomes are above the Aid  
25 to Families and Dependent Children (AFDC) payment level are not required to apply for  
26 entitlements under the AFDC program as a condition of eligibility for Medicaid coverage. Further,  
27 the department shall develop a short, simplified pregnancy/pediatric application of no more than  
28 three pages, paralleling the simplified OBRA standards.

29           (c) Any woman who establishes eligibility under this section shall continue to be treated  
30 as an eligible individual without regard to any change in income of the family of which she is a  
31 member until the end of the 1 year period beginning on the last day of her pregnancy.

32           (d) The department shall make payment for tubal ligation without requiring at least 30 days  
33 between the date of informed consent and the date of the tubal ligation procedure.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2021.

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*Governor*