

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4067

BY DELEGATES SUMMERS, STEELE AND FOSTER

[Passed February 10, 2022; in effect from passage.]

1 AN ACT to repeal §8-13C-13 of the Code of West Virginia, 1931, as amended; to repeal §16-1-
2 21 of said code; to repeal §16-41-6 of said code; to repeal §18-10L-7 of said code; to
3 repeal §22A-6-11, §22A-6-12, and §22A-6-13 of said code; to repeal §29-6-7a of said
4 code; to repeal §33-25A-35 of said code; to amend and reenact §5-11B-7 of said code; to
5 amend and reenact §5A-6C-4 of said code; to amend and reenact §9-4A-2b of said code;
6 to amend and reenact §9-4C-7 of said code; to amend and reenact §12-7-12 of said code;
7 to amend and reenact §14-2A-21 of said code; to amend and reenact §16-3B-4 of said
8 code; to amend and reenact §16-33-6 of said code; to amend and reenact §31-15A-17b
9 of said code; to amend and reenact §31-18-24 of said code; and to amend and reenact
10 §49-2-604 of said code, all relating to making certain reports electronic rather than in
11 printed hard-copy form; providing for hard copies to be furnished upon request; and
12 eliminating the reporting requirement entirely for those agencies whose reports are no
13 longer needed or whose deadlines have passed with reports already submitted.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 11B. PREGNANT WORKERS FAIRNESS ACT.

§5-11B-7. Reports.

1 The Commission shall on October 1 of each year report to the Joint Committee on
2 Government and Finance on the number of complaints filed under this article during the previous
3 year and their resolution. The report shall be transmitted to the members of the committee
4 electronically. Further, the report shall be provided to the legislative librarian to be posted to the

5 legislative website. No hard copy of the report shall be issued; however, a member shall be
6 provided a hard copy upon request.

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 6C. WEST VIRGINIA CYBER INCIDENT REPORTING.

§5A-6C-4. Cybersecurity Office annual report.

1 (a) On or before December 31 of each year, and when requested by the Legislature, the
2 Cybersecurity Office shall provide a report to the Joint Committee on Government and Finance
3 containing the number and nature of incidents reported to it during the preceding calendar year.
4 The report shall be transmitted to the members of the committee electronically and shall be sent
5 to the legislative librarian to be posted on the legislative website. No hard copy of the report shall
6 be issued; however, a member shall be provided a hard copy upon request.

7 (b) The Cybersecurity Office shall also make recommendations, if any, on security
8 standards or mitigation that should be adopted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13C. MUNICIPAL TAX IN LIEU OF BUSINESS AND OCCUPATION TAX; AND MUNICIPAL TAXES APPLICABLE TO PENSION FUNDS; ADDITIONAL AUTHORITIES RELATING TO PENSIONS AND BOND ISSUANCE.

§8-13C-13. Study.

1 [Repealed.]

CHAPTER 9. HUMAN SERVICES

ARTICLE 4A. MEDICAID UNCOMPENSATED CARE FUND.

§9-4A-2b. Expansion of coverage to children and terminally ill.

1 (a) It is the intent of the Legislature that steps be taken to expand coverage to children
2 and the terminally ill and to pay for this coverage by fully utilizing federal funds. To achieve this
3 intention, the Department of Health and Human Resources shall undertake the following:

4 (1) The department shall provide a streamlined application form, which shall be no longer
5 than two pages, for all families applying for medical coverage for children under any of the
6 programs set forth in this section; and

7 (2) The department shall provide the option of hospice care to terminally ill West Virginians
8 who otherwise qualify for Medicaid.

9 (3) The department shall accelerate the Medicaid option for coverage of Medicaid to all
10 West Virginia children whose family income is below one hundred percent of the federal poverty
11 guideline.

12 (b) Notwithstanding the provisions of §9-4A-2a of this code, the accruing interest in the
13 medical services trust fund may be utilized to pay for the programs specified in subsection (a) of
14 this section: *Provided*, That to the extent the accrued interest is not sufficient to fully fund the
15 specified programs, the disproportionate share hospital funds paid into the medical services trust
16 fund after June 30, 1994, may be applied to cover the cost of the specified programs.

17 (c) Annually on January 1, the department shall report to the Governor and to the
18 Legislature information regarding the number of children and elderly covered by the programs in
19 subdivisions (2) and (3) of subsection (a), the cost of services by type of service provided, a cost-
20 benefit analysis of the acceleration and expansion on other insurers and the reduction of
21 uncompensated care in hospitals as a result of the programs.

ARTICLE 4C. HEALTH CARE PROVIDER MEDICAID ENHANCEMENT ACT.

§9-4C-7. Powers and duties.

1 (a) Each board created pursuant to this article shall:

2 (1) Develop, recommend, and review reimbursement methodology where applicable, and
3 develop and recommend a reasonable provider fee schedule, in relation to its respective provider
4 groups, so that the schedule conforms with federal Medicaid laws and remains within the limits of
5 annual funding available to the single state agency for the Medicaid program. In developing the
6 fee schedule the board may refer to a nationally published regional specific fee schedule, if

7 available, as selected by the secretary in accordance with §9-4C-8 of this code. The board may
8 consider identified health care priorities in developing its fee schedule to the extent permitted by
9 applicable federal Medicaid laws, and may recommend higher reimbursement rates for basic
10 primary and preventative health care services than for other services. In identifying basic primary
11 and preventative health care services, the board may consider factors, including, but not limited
12 to, services defined and prioritized by the basic services task force of the health care planning
13 commission in its report issued in December of the year 1992; and minimum benefits and
14 coverages for policies of insurance as set forth in and minimum benefits and coverages for
15 policies of insurance as set forth in chapter thirty-three of this code and rules of the Insurance
16 Commissioner promulgated thereunder. If the single state agency approves the adjustments to
17 the fee schedule, it shall implement the provider fee schedule;

18 (2) Review its respective provider fee schedule on a quarterly basis and recommend to
19 the single state agency any adjustments it considers necessary. If the single state agency
20 approves any of the board's recommendations, it shall immediately implement those adjustments;

21 (3) Assist and enhance communications between participating providers and the
22 Department of Health and Human Resources;

23 (4) Meet and confer with representatives from each specialty area within its respective
24 provider group so that equity in reimbursement increases or decreases may be achieved to the
25 greatest extent possible and when appropriate to meet and confer with other provider boards; and

26 (5) Appoint a chairperson to preside over all official transactions of the board.

27 (b) Each board may carry out any other powers and duties as prescribed to it by the
28 secretary.

29 (c) Nothing in this section gives any board the authority to interfere with the discretion and
30 judgment given to the single state agency that administers the state's Medicaid program. If the
31 single state agency disapproves the recommendations or adjustments to the fee schedule, it is
32 expressly authorized to make any modifications to fee schedules as are necessary to ensure that

33 total financial requirements of the agency for the current fiscal year with respect to the state's
34 Medicaid plan are met and shall report such modifications to the Joint Committee on Government
35 and Finance on a quarterly basis. The purpose of each board is to assist and enhance the role of
36 the single state agency in carrying out its mandate by acting as a means of communication
37 between the health care provider community and the agency.

38 (d) In addition to the duties specified in subsection (a) of this section, the ambulance
39 service provider Medicaid board shall develop a method for regulating rates charged by
40 ambulance services.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 7. JOBS INVESTMENT TRUST FUND.

§12-7-12. Reports of board; report of housing development fund.

1 (a) The board shall prepare annually, or more frequently if deemed necessary by the
2 board, a report of its operations and the performance of the various investments administered by
3 it. A copy thereof shall be furnished to the Governor, the President of the Senate, the Speaker of
4 the House of Delegates, the Legislative Auditor and, upon request, to any legislative committee.
5 Such report shall be kept available for inspection by any citizen of this state.

6 (b) The West Virginia housing development fund shall prepare annually and submit to the
7 President of the Senate, the Speaker of the House of Delegates, the Legislative Auditor and, upon
8 request, any legislative committee, a report on the performance of the board and the quality of its
9 investments for the preceding year.

10 (c) The report shall be transmitted to the President of the Senate, the Speaker of the
11 House of Delegates, the Legislative Auditor and, upon request, any legislative committee
12 electronically. Further, the report shall be provided to the legislative librarian to be posted to the
13 legislative website. No hard copy of the report shall be issued; however, upon request a hard copy
14 shall be provided.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-21. Annual report of West Virginia Legislative Claims Commission.

1 The West Virginia Legislative Claims Commission shall prepare and transmit annually to
2 the Governor and the Legislature a report of the activities of the West Virginia Legislative Claims
3 Commission under this article. The report shall include the number of claims filed, the number of
4 awards made, the amount of each award, and a statistical summary of claims and awards made
5 and denied; the balance in the Crime Victims Compensation Fund with a listing by source and
6 amount of the moneys that have been deposited in the fund; the amount that has been withdrawn
7 from the fund, including separate listings of the administrative costs incurred by the West Virginia
8 Legislative Claims Commission, compensation of commissioners and commission personnel, and
9 the amount awarded as attorneys' fees. The report shall be transmitted to the Governor and
10 members of the Legislature electronically. Further, the report shall be provided to the legislative
11 librarian to be posted to the legislative website. No hard copy of the report shall be issued;
12 however, upon request a hard copy shall be provided.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-21. Creation of Diabetes Action Plan.

1 [Repealed.]

ARTICLE 3B. PERTUSSIS.

§16-3B-4. Data collection on pertussis vaccine administration.

1 (a) By guideline, the department shall establish a system, sufficient for the purposes of
2 subsections (b) and (c) of this section, to collect data from the local health officers, from public
3 and private health care providers and from parents on the incidence of pertussis and major
4 adverse reactions to pertussis vaccine.

5 (b) On the basis of information collected under this subsection and of other information
6 available, the department shall periodically revise and update the information required by and the
7 guidelines adopted under §16-3B-2 of this code.

8 (c) The department shall report to the United States Centers for Disease Control and
9 Prevention all information collected under this section, including that received under §16-3B-3 of
10 this code.

**ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND CONTROL
ACT.**

§16-33-6. Annual report.

1 The director shall submit an annual report to the Governor and the Legislature concerning
2 the operation of the breast and cervical cancer detection and education program including
3 available data and assessment. Such report shall also include any recommendations for
4 additional action to respond to the high incidence of breast and cervical cancer in this state. The
5 report shall be transmitted to Governor and members of the Legislature electronically. Further,
6 the report shall be provided to the legislative librarian to be posted to the legislative website. No
7 hard copy of the report shall be issued; however, upon request a hard copy shall be provided.

ARTICLE 41. ORAL HEALTH IMPROVEMENT ACT.

§16-41-6. Reporting requirements.

1 [Repealed.]

CHAPTER 18. EDUCATION.

ARTICLE 10L. RON YOST PERSONAL ASSISTANCE SERVICES ACT.

§18-10L-7. Report.

1 [Repealed.]

CHAPTER 22A. MINERS' HEALTH, SAFETY AND TRAINING.

ARTICLE 6. BOARD OF COAL MINE HEALTH AND SAFETY.

§22A-6-11. Study of methane detecting shut off devices.

1 [Repealed.]

§22A-6-12. Study of whistleblower protections.

1 [Repealed.]

§22A-6-13. Study of ingress and egress to bleeder and gob areas of longwall panels and pillar.

1 [Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-7a. Report on a centralized personnel system.

1 [Repealed.]

CHAPTER 31. CORPORATIONS.

ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

§31-15A-17b. Infrastructure lottery revenue bonds for watershed compliance projects.

1 (a)(1) The Chesapeake Bay has been identified as an impaired water body due to
2 excessive nutrients entering the bay from various sources in six states, including wastewater
3 facilities in West Virginia. To restore the Chesapeake Bay, the states have agreed to reduce their
4 respective nutrient contributions to the Chesapeake Bay.

5 (2) The Greenbrier River Watershed in southeastern West Virginia which encompasses
6 approximately 1,646 square miles, the majority of which lies within Pocahontas, Greenbrier,
7 Monroe, and Summers counties, has been identified as an impaired water body due to excessive
8 levels of fecal coliform and phosphorus entering the watershed from various sources, including
9 wastewater facilities in West Virginia. To restore the Greenbrier River Watershed, the state agrees
10 to reduce the fecal coliform and phosphorus contributions to the Greenbrier River Watershed.

11 (b) Notwithstanding any other provision of this code to the contrary, the Water
12 Development Authority may issue, in accordance with the provisions of §31-15A-17 of this code,
13 infrastructure lottery revenue bonds payable from the West Virginia Infrastructure Lottery
14 Revenue Debt Service Fund created by §31-15A-9 of this code and such other sources as may
15 be legally pledged for such purposes other than the West Virginia Infrastructure Revenue Debt
16 Service Fund created by §31-15A-17 of this code.

17 (c) The council shall direct the Water Development Authority to issue bonds in one or more
18 series when it has approved Chesapeake Bay watershed compliance projects and Greenbrier
19 River watershed compliance projects with an authorized permitted flow of 400,000 gallons per
20 day or more. The proceeds of the bonds shall be used solely to pay costs of issuance, fund a debt
21 service reserve account, capitalize interest, pay for security instruments necessary to market the
22 bonds, and to make grants to governmental instrumentalities of the state for the construction of
23 approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed
24 compliance projects. To the extent funds are available in the West Virginia Infrastructure Lottery
25 Revenue Debt Service Fund that are not needed for debt service, the council may direct the Water
26 Development Authority to make grants to project sponsors for the design or construction of
27 approved Chesapeake Bay watershed compliance projects and Greenbrier River watershed
28 compliance projects: *Provided*, That the council shall direct the Water Development Authority to
29 provide from moneys in the Lottery Revenue Debt Service Fund not needed to pay debt service
30 in fiscal year 2013, a grant of \$6 million to a Chesapeake Bay watershed compliance project which
31 opened bids on December 28, 2011, and further provided that such Chesapeake Bay watershed
32 compliance project shall receive no further grant funding under this section after receipt of the \$6
33 million grant.

34 (d) No later than June 30, 2012, each publicly owned facility with an authorized permitted
35 flow of 400,000 gallons per day or more that is subject to meeting Chesapeake Bay compliance
36 standards or Greenbrier River watershed compliance standards shall submit to the council a 10-

37 year projected capital funding plan for Chesapeake Bay watershed compliance projects or
38 Greenbrier River watershed compliance projects, as the case may be, including a general project
39 description, cost estimate, and estimated or actual project start date and project completion date,
40 if any. The council shall timely review the submitted capital funding plans and forward approved
41 plans to the Water Development Authority for further processing and implementation pursuant to
42 this article. If the council finds a plan to be incomplete, inadequate, or otherwise problematic, it
43 shall return the plan to the applicant with comment on the plan shortcomings. The applicant may
44 then resubmit to council an amended capital funding plan for further consideration pursuant to the
45 terms of this subsection.

46 (e) Upon approval, each proposed Chesapeake Bay watershed compliance project or
47 Greenbrier River watershed compliance project, or portion of a larger project, which portion is
48 dedicated to compliance with nutrient standards, or fecal coliform and phosphorus standards,
49 established for the protection and restoration of the Chesapeake Bay or the Greenbrier River
50 watershed, as the case may be, shall be eligible for grant funding by funds generated by the
51 infrastructure lottery revenue bonds described in subsection (b) of this section. At the request of
52 the applicant, the remaining percentage of project funding not otherwise funded by grant under
53 the provisions of this article may be reviewed as a standard project funding application.

54 (f) Eligible projects that have obtained project financing prior to December 31, 2012, may
55 apply to the council for funding under the provisions of this section. These applications shall be
56 processed and considered as all other eligible projects, and a grant funding awarded shall, to the
57 extent allowed by law, be dedicated to prepay all or a portion of debt previously incurred by
58 governmental instrumentalities of the state for required Chesapeake Bay nutrient removal projects
59 or Greenbrier River watershed fecal coliform and phosphorus removal projects, subject to the
60 bond covenants and contractual obligations of the borrowing governmental entity. However, any
61 private portion of funding provided by agreement between a political subdivision and one or more

62 private entities, either by direct capital investment or debt service obligation, shall not be eligible
63 for grant funding under the provisions of this article.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

**§31-18-24. Annual audit; reports to Joint Committee on Government and Finance;
information to joint committee or legislative auditor.**

1 The Housing Development Fund shall cause an annual audit to be made by an
2 independent certified public accountant of its books, accounts, and records, with respect to its
3 receipts, disbursements, contracts, mortgages, leases, assignments, loans, and all other matters
4 relating to its financial operations, including those of the Operating Loan Fund, the Land
5 Development Fund, and the Mortgage Finance Bond Insurance Fund. The person performing
6 such audit shall furnish copies of the audit report to the commissioner of finance and
7 administration, where they shall be placed on file and made available for inspection by the general
8 public. The person performing such audit shall also furnish copies of the audit report to the
9 Speaker of the House of Delegates, the President of the Senate, and the majority and minority
10 leaders of both houses. The audit report shall be transmitted to the Speaker of the House of
11 Delegates, the President of the Senate, and the majority and minority leaders of both houses of
12 the Legislature electronically. Further, the report shall be provided to the legislative librarian to be
13 posted to the legislative website. No hard copy of the audit report shall be issued; however, upon
14 request a hard copy shall be provided.

15 In addition to the foregoing annual audit report, the Housing Development Fund shall also
16 render every six months to the Joint Committee on Government and Finance a report setting forth
17 in detail a complete analysis of the activities, indebtedness, receipts, and financial affairs of such
18 fund and the Operating Loan Fund, the Land Development Fund, Affordable Housing Fund, and
19 the Mortgage Finance Bond Insurance Fund. Upon demand, the Housing Development Fund shall
20 also submit to the Joint Committee on Government and Finance or the Legislative Auditor any
21 other information requested by such committee or the Legislative Auditor. The report shall be

22 available electronically only, and no hard copy of the report shall be issued; however, upon
23 request a hard copy shall be provided.

CHAPTER 33. INSURANCE.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-35. Rural health maintenance organizations.

1 [Repealed.]

CHAPTER 49. CHILD WELFARE

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-604. Program administration; implementation; procedures; annual evaluation; coordination; plans; grievances; reports.

1 (a) The administering agency for the family support program is the Department of Health
2 and Human Resources.

3 (b) The Department of Health and Human Resources shall initially implement the family
4 support program through contracts with an agency within four of the state's behavioral health
5 regions, with the four regions to be determined by the Department of Health and Human
6 Resources in consultation with the state family support council. These regional family support
7 agencies of the family support program will be responsible for implementing this article and
8 subsequent policies for the families of persons with developmental disabilities residing within their
9 respective regions.

10 (c) The Department of Health and Human Resources, in conjunction with the state family
11 support council, shall adopt policies and procedures regarding:

12 (1) Development of annual budgets;

13 (2) Program specifications;

14 (3) Criteria for awarding contracts for operation of regional family support programs and
15 the role of regional family support councils;

16 (4) Annual evaluation of services provided by each regional family support agency,
17 including consumer satisfaction;

18 (5) Coordination of the family support program and the use of its funds, throughout the
19 state and within each region, with other publicly funded programs, including Medicaid;

20 (6) Performance of family needs assessments and development of family service plans;

21 (7) Methodology for allocating resources to families within the funds available; and

22 (8) Resolution of grievances filed by families pertaining to actions of the family support
23 program.

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

The within this the.....
day of, 2022.

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Governor