WEST virginia legislature

2023 regular session

Introduced

House Bill 2854

By Delegates Summers, McGeehan, Tully, Petitto, Miller, Forsht, Clark, Young and Rohrbach

[Introduced January 20, 2023; Referred to the Committee on Health and Human Resources]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-111d, relating to reimbursement for child-care; requiring federal waiver to pay child-care providers based upon enrollment rather than attendance of the child; requiring development of performance-based contracting standards to reimburse child care providers; setting forth minimum criteria in developing performance-based criteria; and establishing deadlines.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. State responsibilities for children.

§49-2-111d. Priorities for the use of funds for child-care and performance-based contracting.

(a) Beginning July 1, 2023, the Department of Health and Human Resources shall seek any necessary federal waivers, if needed, in order to pay child-care providers, set forth in this chapter, for a child’s enrollment rather than attendance until performance-based reimbursement standards are developed as set forth in the timeframes of this article.

(b) The Department of Health and Human Resources, working in conjunction with stakeholders, including, but not limited to, child-care providers, shall develop performance-based standards to reimburse child-care providers no later than July 1, 2026. In the event that these standards are not in place by July 1, 2026, the reimbursement rate shall be based upon attendance rather than enrollment as of that date.

(c) "Performance-based contract" means results-oriented contracting that focuses on quality or outcomes that tie at least a portion of the contractor’s payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and goals.

(d) The performance-based contracting shall include at a minimum the following factors:

(1) A new reimbursement rate determined as a result of the performance standards and that rate cannot be based upon only enrollment of the child;

(2) The use of evidence-based practices, as defined in §49-1-111a of this code;

(3) Developing a transparent and publicly available quality rating program to help families understand their child-care providers progress in quality improvement;

(4) Improving child development and school readiness through high quality early learning opportunities as measured by:

(A) Increasing the number and proportion of children kindergarten-ready;

(B) Increasing the proportion of children in early learning programs that have achieved a progressively higher score or maintained a high score in the quality rating program develop pursuant to this subsection; and

(C) Increasing the available supply of licensed child-care in both child-care centers and family homes, including providers not receiving state subsidy.

NOTE: The purpose of this bill is to require the Department of Health and Human Resources to seek a federal waiver to pay child- care providers for enrollment rather than attendance of the child. This bill also requires the development of performance based contracting standards to enable a shift from an enrollment payment to a performance-based payment as of July 1, 2026.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.