WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2023 REGULAR SESSION

Introduced

House Bill 3540

By Delegates Espinosa and Hite

[Introduced February 14, 2023; Referred to the Committee on Health and Human Resources]

A BILL to amend and reenact §16-1-3 of the Code of West Virginia, 1931, as amended, relating to the duties of the Secretary of the West Virginia Department of Health and Human Resources; and requiring preparation of reports to the President of the Senate, the Speaker of the House of Delegates and the Legislative Commission on Health and Human Services Accountability that determine recommended levels of reimbursement for home and community based providers that serve patients with intellectual and development disabilities (I/DD).

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-3. Powers and duties of the secretary.

(a) The secretary may establish a state public health system.

(b) As necessary for the effective, efficient, and economical operation of the system, the secretary may from time to time delegate, assign, transfer, or combine responsibilities or duties to or among employees of the department.

(c) Within the limits of applicable federal law, the secretary may require every applicant for a license, permit, certificate of registration, or registration under this chapter to place his or her social security number on the application.

(d) The secretary may appoint advisory councils.

(e) The secretary shall produce a report for transmission to the President of the Senate, the Speaker of the House of Delegates and the Legislative Commission on Health and Human Services Accountability by December 1, 2023, and tri-annually thereafter, that determines recommended levels of reimbursement for home and community based providers that serve patients with intellectual and development disabilities (I/DD). The report shall utilize a methodology that accurately reflects the costs of providing services corresponding to the department’s objectives and standards for patients with intellectual and development disabilities and also reflects regional wage differentiations in border areas of the state that impede the recruitment and retention of direct care workers. The secretary shall utilize an independent party having professional expertise in developing recommended home and community based reimbursement rates for providers to patients with intellectual and development disabilities.

NOTE: The purpose of this bill is to require the Secretary of the West Virginia Department of Health and Human Resources to prepare reports to the President of the Senate, the Speaker of the House of Delegates and the Legislative Commission on Health and Human Services Accountability that determine recommended levels of reimbursement for home and community based providers that serve patients with intellectual and development disabilities (I/DD).

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