

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2789

By Delegates Roop, Maynor, Brooks, And Pritt

[Introduced February 21, 2025; referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, adding a new article designated
 2 §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4 and §16-4G-5, relating to creating the Michael
 3 Brandon Cochran Act; providing definitions; requiring certain medical testing of ICU
 4 patients; establishing a monetary penalty; and creating a grant program and fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4G. THE MICHAEL BRANDON COCHRAN ACT.

§16-4G-1. Short title.

1 This article shall be known, and may be cited as, the "Michael Brandon Cochran Act".

§16-4G-2. Definitions.

1 (a) As used in this article, "hospital" shall have the meaning ascribed in §16B-3-1 of this
 2 code.

3 (b) "C-peptide test" or "connecting peptide test" shall mean a medical test that measures
 4 the level of C-peptide, a protein that is produced along with insulin in the pancreas, in the blood.

5 (c) "Hypoglycemia" shall mean a condition in which the body's blood sugar level goes
 6 below a standard range or below 50 mg/dl.

7 (d) "Intensive care unit (ICU)" shall mean a specialized unit of a hospital where critically
 8 and seriously ill patients requiring highly skilled nursing care can receive close and frequent
 9 nursing observation. An ICU provides maximum surveillance and support of vital functions and
 10 definitive therapy for patients suspected of having acute, or potentially reversible life-threatening
 11 impairment of single or multiple vital systems (pulmonary, cardiovascular, renal or nervous
 12 systems). Such unit requires special equipment and specially trained staff.

§16-4G-3. Required medical testing.

1 (a) A hospital intensive care unit in which a patient presents as unconscious or presents
 2 with hypoglycemia and a blood glucose level of 49 mg/dl or less, shall administer a C-peptide or
 3 connecting peptide insulin test to such patient, regardless of whether he/she diagnosed with
 4 diabetes, insulin resistance, or pancreatic disease.

5 (b) In the event of a patient death after intensive care unit treatment where the patient
6 exhibited suspected brain damage, an extended period of unconsciousness, seizures,
7 disorientation, blurred vision, shakiness, paleness, or lack of coordination, a hospital shall
8 administer a post-mortem C-peptide or connecting peptide insulin test.

§16-4G-4. Penalty

1 A hospital that fails to administer a C-peptide or connecting peptide insulin test consistent
2 with this article shall be subject to a fine by the Office of Health Facility Licensure and Certification
3 (OHFLAC) of \$10,000 for each violation.

§16-4G-5 Michael Brandon Cochran Grant Program; fund.

4 (a) The Michael Brandon Cochran Grant Program is hereby established. The grant
5 program shall be administered by the Department of Health Facilities. The department shall
6 provide application forms and procedures to administer the grant.

7 (b) Hospitals may apply to the grant program for funding to cover all or some of the costs
8 associated with administering the C-peptide tests required under this article and training
9 healthcare staff on the signs and symptoms of hypoglycemia and the purpose of C-peptide or
10 connecting peptide insulin tests.

11 (c) The department shall set the amount of grants based on the funds available. Grants
12 shall be issued on first-come-first-serve basis.

13 (d) There shall be created in the State Treasury a special revenue fund designated the
14 Michael Brandon Cochran Fund.

15 (1) The fund shall be administered by the Department of Health Facilities. Expenditures
16 from the fund shall be made solely for the purpose of providing grants to hospitals consistent with
17 this article.

18 (2) The fund shall also consist of moneys received from private donations, grants,
19 bequests, and all other moneys received from all sources for the purposes stated herein.

20 (3) Any funds remaining in the Fund at the end of the fiscal year shall not revert to the

- 21 general revenue but shall remain in the fund solely for the purposes stated in this article.
- 22 (4) The moneys accrued in the fund, any earnings thereon, and any yields from
- 23 investments by the State Treasurer or West Virginia Investment Management Board are reserved
- 24 solely and exclusively for the purposes set forth in this section.

NOTE: The purpose of this bill is to create the Michael Brandon Cochran Act; provide definitions; require certain medical testing of ICU patients; establish a monetary penalty; and create a grant program and fund.

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