

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 128

BY SENATOR TARR

[Reported March 20, 2025, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §49-4-108 of the Code of West Virginia, 1931, as amended, relating
2 to courts ordering payment for services in child welfare proceedings; and eliminating the
3 ability of a court to order certain services for adults to be paid at a higher rate than the
4 Medicaid rate or the rate established by the Department of Human Services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COURT ACTIONS.

PART I. GENERAL PROVISIONS.

§49-4-108. Payment of services.

1 (a) At any time during any proceedings brought pursuant to this chapter, the court may
2 upon its own motion, or upon a motion of any party, order the Department of Human Services to
3 pay the Medicaid rates for professional services rendered by a health care professional to a child
4 or other party to the proceedings. Professional services include, but are not limited to, treatment,
5 therapy, counseling, evaluation, report preparation, consultation, and preparation of expert
6 testimony. A health care professional shall be paid by the Department of Human Services upon
7 completion of services and submission of a final report or other information and documentation
8 as required by the policies implemented by the Department of Human Services: *Provided*, That if
9 the service is covered by Medicaid, being rendered to a child, and ~~the service~~ is not provided
10 within 30 days, the court may order the service to be provided to the child by a provider at a rate
11 higher than the Medicaid rate. The department may object and request to be heard, after which
12 the court shall issue findings of fact and conclusions of law supporting its decision.

13 (b) At any time during any proceeding brought pursuant to this chapter, the court may
14 upon its own motion, or upon a motion of any party, order the Department of Human Services to
15 pay for socially necessary services rendered by an entity who has agreed to comply with ~~§9-2-~~
16 ~~6(24)~~ §9-2-6(20) of this code. The Department of Human Services shall set the reimbursement
17 rates for the socially necessary services: *Provided*, That if services being rendered to a child are

18 not provided within 30 days, the court may order a service to be provided to the child by a provider
19 at a rate higher than the department established rate. The department may object and request to
20 be heard, after which the court shall issue findings of fact and conclusions of law supporting its
21 decision.