

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 746

By Senator Rucker

[Introduced March 13, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to
2 allowing the State Board of Education to delegate its Medicaid provider status to public
3 charter schools; updating obsolete references to regional education service agencies;
4 requiring that the State Board of Education report to the Legislature containing certain
5 specified Medicaid-related information also include that information on a public charter
6 school by public charter school basis; and requiring the health services advisory
7 committee to advise the Secretary of the Department of Human Services and the State
8 Superintendent of Schools on ways to improve the ability of public charter schools to
9 provide Medicaid-eligible children with all the school-based Medicaid services for which
10 they are eligible and to ensure that the school-based Medicaid service providers bill for and
11 receive all the Medicaid reimbursement to which they are entitled.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5b. Medicaid-eligible children; school health services advisory committee.

1 (a) The state board shall become a Medicaid provider and seek out Medicaid-eligible
2 students for the purpose of providing Medicaid and related services to students eligible under the
3 Medicaid program and to maximize federal reimbursement for all services available under the
4 Omnibus Budget Reconciliation Act of 1989, as it relates to Medicaid expansion and any future
5 expansions in the Medicaid program for Medicaid and related services for which state dollars are
6 or will be expended.

7 (b) The state board may delegate this provider status and subsequent reimbursement to
8 ~~regional education service agencies~~ educational services cooperatives, county boards, ~~or both~~
9 public charter schools, or any combination of these entities; *Provided*, That a county board and
10 public charter school is not required to seek reimbursement if it determines there is not a net
11 benefit after consideration of costs and time involved with seeking the reimbursement for eligible
12 services and that the billing process detracts from the educational program.

(c) Annually, no later than January 1, the state board shall report on a county by county basis and a public charter school by public charter school basis to the Legislature:

(1) The number and age of children eligible for Medicaid;

(2) The number and age of children with Medicaid coverage;

(3) The types of Medicaid-eligible services provided;

(4) The frequency of services provided;

(5) The Medicaid dollars reimbursed; and

(6) The problems encountered in the implementation of this system.

(d) The state board shall appoint and convene a school health services advisory committee to advise the Secretary of Human Services and the state superintendent on ways to improve the ability of ~~regional education service agencies~~ educational services cooperatives, ~~local school county~~ boards, public charter schools, and Department of Human Services' employees to provide Medicaid-eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the school-based Medicaid service providers bill for and receive all the Medicaid reimbursement to which they are entitled.

(e) The committee shall consist of at least the following individuals:

(1) The person within the Department of Education responsible for coordinating the provision of and billing for school-based Medicaid services in schools throughout the state, who shall provide secretarial, administrative and technical support to the advisory committee;

(2) The person within the Department of Human Services responsible for coordinating the enrollment of Medicaid-eligible school children throughout the state;

(3) Two representatives of ~~regional education service agencies~~ educational services cooperatives who are experienced with the process of billing Medicaid for school-based health services;

(4) Two Department of Human Services' employees responsible for supervising employees;

39 (5) Two persons jointly appointed by the Secretary of Human Services and the state
40 superintendent; and

41 (6) One representative of the Governor's task force on school health.

42 (f) The school health services advisory committee shall meet in the first instance at the
43 direction of the state superintendent, select a chairperson from among its members, and meet
44 thereafter at the direction of the chairperson. The committee shall report its findings and
45 recommendations to the state board and Department of Human Services, which findings shall
46 then be included in the report to the Legislature by the state board and Department of Human
47 Services provided in subsection (c) of this section.

48 (g) All actual and necessary travel expenses of the members of the committee shall be
49 reimbursed by the member's employing agency, for those members not employed by a state
50 agency, the member's actual and necessary travel expenses shall be paid by the state board. All
51 such expenses shall be reimbursed in the same manner as the expenses of state employees are
52 reimbursed.

NOTE: The purpose of this bill is to allow the State Board of Education to delegate its
Medicaid provider status to public charter schools.

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