

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 5122**

By Delegate Young

[Introduced February 03, 2026; referred to the  
Committee on Health and Human Resources then  
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, and  
3 §9-4F-9, relating to creating the Insurance Medicaid Buy-In Program; requiring the  
4 Department of Human Services to develop and administer the Insurance Medicaid Buy-In  
5 Plan; setting eligibility criteria and coverage requirements; specifying role and duties of the  
6 Department of Human Services; establishing an advisory council to the Insurance  
7 Medicaid Buy-In Program; defining terms; setting limitations of employers; requiring a full-  
8 cost option be available for individuals who do not meet financial qualifications; requiring  
9 rule-making; and mandating application for necessary federal Medicaid options and  
10 innovation waivers to maximize federal funding of the Program.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4F. THE AFFORDABLE INSURANCE BUY-IN PROGRAM.**

**§9-4F-1. Purpose.**

1 The purpose of the "Insurance Medicaid" Buy-In Program is to establish a new state option  
2 efficiently maximizing available federal funds to provide West Virginia residents with a choice of a  
3 high-quality, low-cost health insurance plan.

**§9-4F-2. Definitions.**

1 As used in this article:

2 "Copayment" means a fixed dollar amount that an Insurance Medicaid Buy-in enrollee  
3 must pay directly to a health care provider or pharmacy for a service, visit or item;

4 "Deductible" means a fixed dollar amount that a person enrolled in the Insurance Medicaid  
5 buy-in plan may be required to pay during a benefit period before the plan begins payment for  
6 covered benefits;

7 "Department" means the Department of Human Services;

8 "Health care coverage premium cost" means the premium charged for health care  
9 coverage that is available or currently provided to an individual;

10        "Health care provider" means any physical, mental or behavioral health provider, including  
11        a hospital, physician, clinic and other health facility;

12        "Insurance Buy-In Plan" or "plan" means a state-administered, health care coverage plan  
13        that leverages the Medicaid coverage structure;

14        "Managed care organization" means an organization licensed or authorized through an  
15        agreement among state entities to manage, coordinate and receive payment for the delivery of  
16        specified services to enrolled members;

17        "Medicaid" means the joint federal-state health coverage program pursuant to Title 19 or  
18        Title 21 of the federal Social Security Act, as amended, and the rules promulgated pursuant to that  
19        act;

20        "Medicare" means coverage under Part A or Part B of Title 18 of the federal Social Security  
21        Act, as amended, and the rules promulgated pursuant to that act;

22        "Premium" means the monthly amount that a plan enrollee must pay directly to the  
23        managed care organization offering the enrollee's plan for consideration of the plan's coverage;  
24        and

25        "Resident" means a person establishing intent to permanently reside in West Virginia.

### **§9-4F-3. The plan.**

1        (a) By January 1, 2027, the department shall establish an Insurance Medicaid Buy-In Plan  
2        and shall offer the plan for purchase by a resident:

3        (1) Who is ineligible for the following:

4        (A) Medicaid; and

5        (B) Medicare; and

6        (2) Whose employer has not disenrolled or denied the resident enrollment in employer-  
7        sponsored health coverage on the basis that the resident would otherwise qualify for enrollment in  
8        Insurance Medicaid buy-in coverage.

9        (b) The department shall establish benefits under the plan in accordance with federal and

10 state law to ensure that covered benefits include:

11       (1) Ambulatory patient services;

12       (2) Emergency services;

13       (3) Hospitalization;

14       (4) Maternity and newborn care;

15       (5) Mental health and substance use disorder services, including behavioral health

16 treatment;

17       (6) Prescription drugs;

18       (7) Rehabilitative and habilitative services and devices;

19       (8) Laboratory services;

20       (9) Preventive and wellness services, including reproductive health and chronic disease

21 management; and

22       (10) Pediatric services, including oral and vision care.

23       (c) For services and benefits provided under this section, the department may pursue any  
24 available federal financial participation.

25       (d) The department shall coordinate the plans enrollment and eligibility to maximize the  
26 continuity of coverage between the plan, Medicaid and private health plans.

27       (e) Health care provider reimbursement rates shall be based on the Medicaid fee schedule.  
28 Contingent upon available funds, the department may increase reimbursement rates for health  
29 care providers, so long as these increases do not jeopardize the sustainability of Medicaid or the  
30 plan.

31       (f) The plan shall be established in compliance with nondiscrimination mandates set forth  
32 in the Constitution of West Virginia, the West Virginia Human Rights Act, and the federal Civil  
33 Rights Act of 1964 and shall be available to residents irrespective of age, race, gender, national  
34 origin, immigration status, disability or geographic location.

35       (g) The department shall establish an updated premium sliding scale for individuals under

36 200 percent of the federal poverty level who purchase the Medicaid Buy-in plan. The sliding scale  
37 shall prioritize individuals transitioning from Medicaid coverage.

**§9-4F-4. Administration.**

1 (a) The department shall develop a plan for administering the plan that prioritizes  
2 affordability for enrollees and provides opportunities to maximize federal dollars.

3 (b) The department shall:

4 (1) Establish an affordability scale for premiums and other cost-sharing fees, such as  
5 copayments and deductibles, based on household income. The department shall offer discounted  
6 premiums and cost-sharing fees in accordance with the affordability scale to residents eligible to  
7 enroll in the plan: *Provided*, That the financial assistance is, at a minimum, offered to residents  
8 with household incomes below 200 percent of the federal poverty level;

9 (2) Establish fair and reasonable premium rates that should be assessed to plan enrollees,  
10 after an actuarial analysis, to ensure maximum access to coverage. Premiums imposed may be  
11 set at a level sufficient to offset the costs of health benefits under the plan and related  
12 administrative costs; and

13 (c) The department may:

14 (1) Administer the plan through the managed care organizations under contract with the  
15 State to provide Medicaid services and benefits; and  
16 (2) Set the medical loss ratio for insurers offering the plan consistent with the ratio  
17 applicable to Medicaid;

18 (d) The department shall:

19 (1) Establish a standardized benefit and cost sharing design for the plan; and  
20 (2) Establish a method for procuring prescription drugs. This authority includes consulting  
21 or contracting with other entities or states for combined purchasing power; and  
22 (3) Seek viable opportunities to reduce costs of the plan to consumers and the general  
23 fund: *Provided*, That these opportunities are consistent with the provisions of this article, do not

24 reduce eligibility or benefits for Medicaid enrollees and do not jeopardize federal financing for  
25 medical assistance.

**§9-4F-5. Financing.**

1       (a) The department shall apply for a Basic Health Plan Option under Section 1331  
2 and/or a State Innovation Waiver under Section 1332 of the Patient Protection and Affordable  
3 Care Act. The department shall maximize all available federal dollars to fund the Insurance  
4 Medicaid Buy-In Program. Nothing in the waiver application may prohibit individuals and families  
5 from purchasing plans on the Marketplace.

6       (b) Individuals who do not qualify for federal financial assistance may purchase the plan at  
7 full cost.

**§9-4F-6. Enrollment.**

1       The department and the West Virginia health insurance exchange and the West Virginia  
2 Navigator program shall coordinate efforts and cooperate to establish a consumer outreach  
3 program to assist residents with enrolling in Medicaid, the Insurance Medicaid Buy-In plan, on the  
4 health insurance exchange to minimize gaps in health insurance coverage.

**§9-4F-7. Advisory council.**

1       (a) The Secretary of the Department of Human Services shall establish an Insurance  
2 Medicaid Buy-In Program advisory council, to advise the department on implementation, plan  
3 affordability, marketing, enrollment, outreach and evaluation of health care access for residents  
4 enrolled in the plan. The advisory council consists of:

5       (1) The Secretary of the Department of Health and Human Resources;  
6       (2) The Insurance Commissioner;  
7       (3) Three consumer advocates;  
8       (4) One health care provider;  
9       (5) One representative from a Medicaid managed care organization;  
10      (6) At least one public health expert with experience evaluating health data and utilization

11 trends; and

12 (7) At least one researcher with experience in health care financing and administration.

13 (b) The Governor shall appoint the members identified in subdivisions (4) through (7) of

14 subsection (a) of this section.

**§9-4F-8. Rule-making authority.**

1 The Secretary of the Department of Human Services shall propose emergency rules in  
2 accordance with the provisions of §29A-3-15 of this code to implement the provisions of this  
3 article. Thereafter, the secretary shall propose additional rules for legislative approval in  
4 accordance with the provisions of §29A-3-1 et seq. of this code as may be needed to administer  
5 and maintain the Insurance Medicaid Buy-In Program.

**§9-4F-9. Limitation on employers.**

1 An employer that offers employer-sponsored health coverage as of the effective date of  
2 this article may not disenroll or deny enrollment to a resident covered under the employer's  
3 employer-sponsored health coverage on the basis that the employer believes that the resident  
4 would qualify for plan coverage.

NOTE: The purpose of this bill is to create the "Insurance Medicaid" Buy-In Program. The bill requires the Department of Human Services to develop and administer the Insurance" Medicaid" Buy-In Plan. The bill creates the Health Care Affordability and Access Improvement Fund. The bill establishes an advisory council to the Insurance\ Medicaid "Buy-In Program. The bill requires a study and reposts be made. The bill defines terms. The bill sets limitations of employers. The bill requires rule-making.

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