

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5563

By Delegates Holstein, Heckert, and G. Howell

[Introduced February 16, 2026; referred to the
Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §16-67-1, §16-67-2, §16-67-3, and §16-67-4, all relating to establishing the
 3 West Virginia Timely Transplant Referral and Veteran Care Coordination Act; providing
 4 mandatory timelines for transplant referral; establishing automatic clinical referral triggers;
 5 requiring written confirmation of referral status to patients or authorized family members;
 6 and providing for annual data collection and reporting

Be it enacted by the Legislature of West Virginia:

**ARTICLE 67. WEST VIRGINIA TIMELY TRANSPLANT REFERRAL AND VETERAN
 CARE COORDINATION ACT.**

§16-67-1. Mandatory transplant referral timeline.

1 (a) A licensed healthcare provider or healthcare facility that documents in a patient’s
 2 medical record that the patient meets medical criteria for organ transplant candidacy shall initiate
 3 referral to an appropriate transplant center within three calendar days of such documentation.

4 (b) The referral requirement set forth in subsection (a) of this section shall not apply if the
 5 provider documents in the patient’s medical record a specific medical contraindication to
 6 transplant referral.

7 (c) Nothing in this section may be construed to alter clinical eligibility standards established
 8 by transplant centers or organ allocation policies established under federal law.

9 (d) Reporting when it was started, when the referral was accepted, and provide an annual
 10 report to the joint committee on finance.

§16-67-2. Automatic clinical referral triggers.

1 (a) The Department of Health shall promulgate legislative rules pursuant to §29A-3-1 et
 2 seq. of this code establishing clinical severity thresholds that require evaluation for transplant
 3 referral.

4 (b) At a minimum, such rules shall include commonly recognized clinical scoring systems

5 for end-stage organ disease, including, but not limited to, a Model for End-Stage Liver Disease
6 (MELD) score of fifteen or greater, or equivalent evidence-based thresholds for other organs.

7 (c) When a patient meets an established clinical severity threshold, the provider shall
8 initiate referral to a transplant center unless the provider documents in the medical record a
9 specific medical or clinical reason why referral is not appropriate at that time.

10 (d) Documentation required under this section shall be contemporaneous and included in
11 the patient’s permanent medical record.

§16-67-3. Family transparency requirement.

1 (a) Within seven calendar days of initiating a transplant referral, the healthcare provider or
2 facility shall provide written confirmation to the patient.

3 (b) If the patient has executed a valid medical power of attorney, or has authorized release
4 of medical information to a family member or legal representative, written confirmation shall also
5 be provided to such authorized individual.

6 (c) Written confirmation shall include:

7 (1) The date the referral was initiated;

8 (2) The name and contact information of the transplant center to which referral was made;

9 and

10 (3) Contact information for a designated point of contact responsible for follow-up
11 coordination.

12 (d) Nothing in this section authorizes disclosure of medical information in violation of state
13 or federal privacy law.

§16-67-4. Data collection and annual reporting.

1 (a) The Department of Health shall collect aggregate, de-identified data from licensed
2 healthcare facilities regarding transplant referrals initiated pursuant to this article.

3 (b) Data collected shall include, at minimum:

4 (1) The average time between documentation of transplant candidacy and referral

- 5 initiation;
- 6 (2) The number of patients meeting automatic clinical referral thresholds;
- 7 (3) The number of referrals initiated within the required thirty-day period; and
- 8 (4) Geographic data sufficient to evaluate rural disparities in referral timelines.
- 9 (c) The Department shall submit an annual report to the Legislative Oversight Commission
- 10 on Health and Human Resources Accountability no later than December 1 of each year.
- 11 (d) Reports required under this section shall not identify individual patients or individual
- 12 healthcare providers.

NOTE: The purpose of this bill is to create the West Virginia Timely Transplant Referral and Veteran Care Coordination Act.

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