

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 210

By Senator Helton

[Introduced January 14, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §16-29E-3 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding three new sections, designated §16-29-9, §16-29-10, and
3 §16-29-11, relating to Legislative Oversight Commission on Health and Human Resources
4 Accountability; definitions; requiring departments to prepare performance plans and
5 performance reports; and submitting reports.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN
RESOURCES** **ACCOUNTABILITY.**

§16-29E-3. Definitions.

1 As used in this article:

2 (a) "Agency" means those various agencies, authorities, boards, committees, and
3 commissions ~~or departments of the Department of Health and Human Resources~~ with authority to
4 ~~promulgate legislative rules pursuant to this chapter that regulate health care providers,~~
5 practitioners, or consumers; or those offering social services programs within the departments;

6 (b) "Commission" means the Legislative Oversight Commission on Health and Human
7 Resources Accountability; and

8 (c) "Department" means the Department of Health and Human Resources, and any
9 successor agencies.

10 "Departments" means the Department of Health, the Department of Human Services, the
11 Department of Health Facilities, the Office of the Inspector General and all of their bureaus, offices,
12 and programs;

13 "Outcome measures" means an assessment of the results of a program activity compared
14 to its intended goal and purpose and this goal shall be compared to a state and national rate;

15 "Output measure" means the tabulation, calculation, or recording of activity or effort and
16 can be expressed in a quantitative or qualitative manner;

17 "Performance goal" means a target level of performance expressed as a tangible,
18 measurable objective, against which achievement shall be compared, including a goal expressed
19 as a quantitative standard, value or rate;

20 "Performance indicator" means a particular value or characteristic used to measure output
21 or outcome;

22 "Program activity" means a specific activity related to the mission of the departments; and

23 "Program evaluation" means an assessment, through objective and systemic analysis, of
24 the manner to which the departments achieved intended objectives.

§16-29E-9. Performance plans.

1 The departments shall prepare an annual performance plan covering each program
2 activity set forth in the departments' budget, which shall be included in an annual performance
3 report. The plan shall:

4 (1) Establish performance goals to define the level of performance to be achieved by a
5 program activity;

6 (2) Express such goals in an objective, quantifiable, and measurable form;

7 (3) Briefly describe the operational processes, skills and technology, and the human,
8 capital, information or other resources required to meet the performance goals;

9 (4) Establish performance indicators to be used in measuring or assessing the relevant
10 outputs, service levels, and outcomes of each program activity;

11 (5) Provide a basis for comparing actual program results with the established performance
12 goals; and

13 (6) Describe the means to be used to verify and validate measured value.

§16-29E-10. Program performance reports.

1 (a) The departments shall report their progress toward adoption of performance measures
2 and plan for compiling baseline data for fiscal year 2025 to the commission on July 1, 2025.

3 (b) The departments shall submit an annual program performance report to the
4 commission beginning on July 1, 2026.

5 (c) The program performance report shall set forth the performance indicators established
6 in the departments' plan, along with the actual program performance achieved compared with the
7 performance goals expressed in the plan for that fiscal year.

8 (d) The report for fiscal year 2026 shall include actual results for the preceding fiscal year,
9 the report for fiscal year 2027 shall include actual results for the two preceding fiscal years and the
10 report for fiscal year 2028 and all subsequent reports shall include actual results for three
11 preceding fiscal years.

12 (e) A report shall:

13 (1) Review the success of achieving performance goals of the fiscal year;

14 (2) Evaluate the performance plan for the current fiscal year relative to the performance
15 achieved towards the performance goals in the fiscal year covered by the report;

16 (3) Explain and describe, where a performance goal has not been met including when a
17 program activity's performance is determined not to have met criteria of a successful program
18 state:

19 (A) Why the goal was not met;

20 (B) Those plans and schedules for achieving the established performance goal;

21 (C) If the performance goal is impractical or infeasible, why that is the case; and

22 (D) What action is recommended.

23 (4) The report shall include the summary findings of those program evaluations completed
24 during the fiscal year covered by the report.

25 (5) The report, strategic plan, performance plans, and program performance reports
26 required under this article shall be performed only by employees of the departments.

§16-29E-11. Legislative report.

1 (a) The commission shall submit an annual report to the Legislature, which shall describe
2 and evaluate in a concise manner:

3 (1) The major activities for the year immediately passed, including important policy
4 decisions reached on initiatives undertaken during that year;

5 (2) Other information considered by the commission to be important, including
6 recommendations for statutory, fiscal or policy reforms and reasons for such recommendations.

7 (b) The report may specify in what manner any practice, policy or procedure may or should
8 be modified to satisfy the goal of efficient and effective delivery of health and social services
9 programs and to improve the quality of health and social services available in this state.

10 (c) The departments shall report to the commission within 30 days an incident:

11 (1) Where an individual in the direct care of the state;
12 (2) Where an individual is in the custody of the state; or
13 (3) Where the state had a referral concerning that individual within the past six months,
14 who experiences serious harm or death.

15 An incident shall have a documented case number.

16 (d) The commission may require the departments to submit reports on a routine or as
17 needed basis. These reports shall be submitted to the commission. The submission instructions
18 and format for the reports may be designated by the commission or the Joint Committee on
19 Government and Finance.

NOTE: The purpose of this bill is to require state departments to prepare annual performance plans, report these plans to the Legislative Oversight Commission on Health and Human Resources Accountability, and the Commission to report to the Legislature. The bill also defines agencies and departments.

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