

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 729

By Senators Rucker, Helton, Rose, and Tarr

[Introduced February 3, 2026; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

A BILL to amend the Code of West Virginia, 1931, by adding a new section, designated §9-5-34, relating to Medicaid program requirements; setting forth mandatory Medicaid program requirements; requiring the Bureau for Medical Services to seek necessary authority from the Centers for Medicare and Medicaid to implement the program requirements; and setting forth effective dates.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Medicaid program requirements.

(a) The Bureau of Medical Services shall implement the following requirements and, to the extent necessary, shall seek any necessary authority from the Centers for Medicare and Medicaid to implement these program requirements. The requirements are:

(1) On or before January 1, 2027, to implement a Medicaid work requirement for Medicaid enrollees as set forth in the One Big Beautiful Bill Act (OBBBA) Act (P.L. No. 119-21), signed July 4, 2025;

(2) On or before, October 1, 2026, prohibit persons living in the United States illegally from using Medicaid benefits;

(3) On or before January 1, 2027, to verify Medicaid eligibility at least twice annually;

(4) On or before January 1, 2027, to prohibit multi-state enrollment of Medicaid beneficiaries;

(5) On or before January 1, 2027, to remove deceased Medicaid enrollees from Medicaid rolls on at least a quarterly basis;

(6) On or before January 1, 2028, to reduce the Medicaid error rate at or below three percent;

(7) On or before January 1, 2028, to limit retroactive eligibility to 30 days for expansion enrollees, 60 days for traditional Medicaid enrollees, and 30 days for Children's Health Insurance Plan enrollees;

- 19 (8) On or before October 1, 2028, to require cost sharing for expansion adults;
- 20 (b) The following taxes and payments shall be amended in accordance with the provisions
- 21 and timeframes of the One Big Beautiful Bill Act (OBBBA) Act (P.L. No. 119-21), signed July 4,
- 22 2025:
- 23 (1) Managed care taxes;
- 24 (2) Provider taxes; and
- 25 (3) Directed payments;
- 26 (c) All Medicaid waivers are required to be budget neutral.

NOTE: The purpose of this bill is to set forth program requirements for Medicaid to come into federal requirements with the One Big Beautiful Bill 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.