

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 989

FISCAL
NOTE

By Senator Morris

[Introduced February 18, 2026; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to repeal §5-16B-4 of the Code of West Virginia, 1931, as amended; to amend and reenact
 2 §9-4-3; and to amend the code by adding a new section, designated §9-4-5, relating to the
 3 changes with membership requirements of the Medical Services Fund Advisory Council
 4 and its inclusion of the West Virginia Children’s Health Insurance Program Board, as well
 5 as the creation of the Medicaid Beneficiary Advisory Council.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16B. WEST VIRGINIA CHILDREN’S HEALTH INSURANCE PROGRAM

§5-16B-4. Children's health policy advisory board created; qualifications and removal of members; powers; duties; meetings; and compensation.

1 [Repealed.]

CHAPTER 9. HUMAN SERVICES

**ARTICLE 4. STATE ADVISORY BOARD; MEDICAL SERVICES FUND; ADVISORY
 COUNCIL; GENERAL RELIEF FUND**

§9-4-3. Advisory council.

1 (a) The advisory council, created by chapter one hundred forty-three, Acts of the
 2 Legislature, regular session, 1953, as an advisory body to the state Medicaid Agency with respect
 3 to the medical services fund and disbursements therefrom and to advise about health and medical
 4 services, is continued so long as the medical services fund remains in existence, and thereafter so
 5 long as the state Medicaid Agency considers the advisory council to be necessary or desirable,
 6 and it is organized as provided by this section and applicable federal law and has those advisory

7 powers and duties as are granted and imposed by this section and elsewhere by law. The advisory
8 council shall assume the duties of the previous West Virginia Children’s Health Insurance Advisory
9 Board. The advisory council shall also fulfill the new federally required duties for the State in
10 accordance with the requirements of 42 CFR § 431.12 related to a Medicaid advisory committee.

11 (b) The advisory council shall consist of ~~not less than nine~~ 11 members, ~~nor more than 15~~
12 ~~members~~, all but four of whom shall be appointed by the state Medicaid Agency and serve until
13 ~~replaced or reappointed on a rotating basis.~~

14 (c)(1) The heads of the Bureau of Public Health and Bureau for Medical Services are non-
15 voting, ~~members-ex officio~~ members.

16 (2) The cochairs of the Legislative Oversight Commission on Health and Human
17 Resources Accountability, or their designees, are nonvoting ex officio members.

18 (3) The remaining members comprising the council consist of:

19 (A) One member of recognized ability in the field of medicine and surgery with respect to
20 whose appointment the state Medical Association shall be afforded the opportunity of making
21 nomination of three qualified persons;

22 (B) One member of recognized ability in the field of dentistry with respect to whose
23 appointment the state Dental Association shall be afforded the opportunity of nominating three
24 qualified persons;

25 (C) One member chosen from a list of three persons nominated by the West Virginia
26 Primary Care Association;

27 (D) One member chosen from a list of three persons nominated by the Behavioral Health
28 Providers Association of West Virginia; and

29 (E) One member chosen from a list of three persons nominated by the West Virginia
30 Pharmacist Association;

31 (F) ~~The remaining members chosen from persons of recognized ability in the fields of~~
32 ~~hospital administration, nursing and allied professions and from consumers groups, including~~

33 ~~Medicaid recipients, members of the West Virginia Directors of Senior and Community Services,~~
34 ~~labor unions, cooperatives and consumer-sponsored prepaid group practices plans~~ One member
35 chosen from a list of three persons nominated by the Hospice Council of WV;

36 (H) Two members chosen from a list of three persons nominated by the West Virginia
37 Academy of Family Physicians who are licensed medical professionals who provide services to
38 Medicaid recipients in West Virginia;

39 (I) One representative from a private non-profit state or local consumer advocacy group or
40 other community-based organization that broadly represents the interests of or provides direct
41 service to Medicaid members. For years one through four of the Medical Services Fund Advisory
42 Council operations, starting July 1, 2025, the Bureau of Medical Services will select the first
43 representative for this category for the standard four-year term limit. In future selection processes,
44 advocacy groups and other community-based organizations will be afforded for the opportunity to
45 collectively nominate their next representative;

46 (J) One representative from the State's managed care association, on behalf of the State's
47 managed care plans; and

48 (K) One representative from the Beneficiary Advisory Council. For the period from July 9,
49 2025, through July 9, 2026, ten percent of the council's members must come from the Beneficiary
50 Advisory Council. For the period from July 10, 2026, through July 9, 2027, 20 percent of council
51 members must come from the Beneficiary Advisory Council.

52 (d) The council shall meet on call of the state Medicaid Agency.

53 (e) Each member of the advisory council shall receive reimbursement for reasonable and
54 necessary travel expenses for each day actually served in attendance at meetings of the council in
55 accordance with the state's travel regulations. Requisitions for the expenses shall be
56 accompanied by an itemized statement, which shall be filed with the Auditor and preserved as a
57 public record.

58 (f) The advisory council shall assist the state Medicaid Agency in the establishment of

59 rules, standards and bylaws necessary to carry out the provisions of this section and shall serve as
60 consultants to the state Medicaid Agency in carrying out the provisions of this section.

§9-4-5. Beneficiary Advisory Council

1 (a) There is hereby created a Beneficiary Advisory Council (BAC) in accordance with 42
2 CFR § 431.12. The BAC will provide a forum for Medicaid recipients, their families, and caregivers
3 to share their experiences and offer direct feedback related to policy development and effective
4 administration of the Medicaid program. This council aims to ensure that the voices of those
5 directly impacted by Medicaid policies and services are heard and considered.

6 (b) The BAC shall meet quarterly. Additional off-cycle meetings may be held as needed.
7 The BAC must meet separately from the Medical Services Fund Advisory Council and in advance
8 of each Medical Services Fund Advisory Council meeting to ensure BAC member preparation for
9 each Medical Services Fund Advisory Council meeting.

10 (c) Decisions made by the BAC are recommendations only and shall not constitute binding
11 decisions by West Virginia Medicaid.

12 (d) Membership appointments will be made by the Medicaid Commissioner.

13 (e) West Virginia Medicaid will develop and publish, by posting publicly on its website,
14 bylaws for governance of the BAC and the BAC regular meeting schedule.

NOTE: The purpose of this bill is to repeal the current children’s health insurance advisory board; modify the membership of the Medical Services Fund Advisory Council to comply with 42 CFR § 431.12; include the West Virginia Children’s Health Insurance Program in the Medical Services Fund Advisory Council; and create the Medicaid Beneficiary Advisory Council per the requirements of 42 CFR § 431.12.

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