

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 210

BY SENATOR HELTON AND TAYLOR

[Reported January 30, 2026, from 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 §16-29E-9, §16-29E-10, and
3 §16-29E-11, relating to modifying the Legislative Oversight Commission on Health and
4 Human Resources Accountability's oversight provisions; defining terms; modifying the
5 accountability requirements for certain state departments; requiring certain state
6 departments to prepare performance plans and performance reports; and requiring annual
7 legislative 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
4 to ~~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" collectively means the Department of Health, the Department of Human
11 Services, the Department of Health Facilities, the Office of the Inspector General, and all of their
12 bureaus, offices, 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 each shall prepare an annual performance plan covering each program
2 activity set forth in their respective budgets, which each shall include in an annual performance
3 report. The plans 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 each shall report to the commission on or before July 1, 2026, their
2 progress toward adoption of performance measures and plan for compiling baseline data for fiscal
3 year 2025.

4 (b) Beginning July 1, 2027, and annually thereafter, each department shall submit a
5 program performance report to the commission.

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

9 (d) The report for fiscal year 2027 shall include actual results for the preceding fiscal year,
10 the report for fiscal year 2028 shall include actual results for the two preceding fiscal years, and
11 the report for fiscal year 2029 and all subsequent reports shall include actual results for the three
12 preceding fiscal years.

13 (e) Each report shall:

14 (1) Review the success of achieving performance goals of the relevant fiscal year;
15 (2) Evaluate the performance plan for the current fiscal year relative to the performance
16 achieved towards the performance goals in the fiscal year covered by the report;

17 (3) Explain and describe the following for any performance goal that has not been met:

18 (A) Why the goal was not met;

19 (B) Plans and schedules for achieving the goal;

20 (C) Any factors that the department believes render the performance goal impractical or
21 infeasible; and

22 (D) Any recommended action; and

23 (4) Include summary findings of any program evaluations completed during the fiscal year
24 covered by the report.

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

§16-29E-11. Legislative report.

1 (a) Annually, on or before January 1, the commission shall submit a report to the Joint
2 Committee on Government and Finance describing and evaluating the following in a concise
3 manner:
4 (1) The major activities for the preceding year, including important policy decisions
5 reached on initiatives undertaken during that year; and
6 (2) Other information considered by the commission to be important, including
7 recommendations for statutory, fiscal, or policy reforms and reasons for such recommendations.
8 (b) The report may specify in what manner any practice, policy, or procedure may or
9 should be modified to satisfy the goal to deliver efficient and effective health and social services
10 programs and to improve the quality of health and social services available in this state.