

**2013 SESSION BILLS OF INTEREST THAT COMPLETED LEGISLATIVE ACTION**

Updated May 2, 2013

<b>SB 21</b>	<p><b>Creating Health Care Provider Transparency Act - “Name Tag Bill” – VETOED by the Governor on 4/29/13</b></p> <p>Bill was amended early on by WVHA to make it applicable to physicians or contract employees granted privileges at a facility. This clarification was made in the definition of what an “employee” constitutes;</p> <p>Bill was further amended in the House Health Committee to provide exceptions for an employee providing direct patient care in a behavioral health care setting; and to make the provisions of the bill applicable only to employees of health care providers, who employ at least three licensed practitioners or employ more than 10 employees, as of July 1, 2015;</p> <p>Finally, the bill was further amended in the House Judiciary Committee as a result of WVHA and stakeholder advocacy to remove enforcement provisions and also to allow for facilities providing identification badges prior to enactment of the bill to not be required to issue new badges;</p>
<b>SB 22</b>	<p><b>Requiring maternity services coverage for all health insurance plan dependents in certain circumstances</b> - Requires all insurance companies in West Virginia that provide maternity care coverage to extend that coverage to include dependents up to age 26, in accordance with the ACA. The bill does not extend coverage to include contraception or elective abortions, points discussed during the legislative session. Insurance companies this bill affects includes the Public Employees Insurance Agency (PEIA), which told lawmakers during the committee process that the cost of extending maternity care to dependents would be spread out among all policy holders. The total cost to PEIA is expected to be about \$2.7 million annually.</p>
<b>SB 101</b>	<p><b>Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers</b> – The purpose of the bill is for nursing homes to be treated the same as other healthcare providers covered under the MPLA. Bill is not intended to address pending litigation but rather becomes effective July 1, 2013.</p>
<b>SB 108</b>	<p><b>Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team</b> – Bill was modified to streamline the state’s fatality review process by combining several existing review multidisciplinary teams. Team is to review: deaths resulting from unintentional prescription or pharmaceutical drug overdoses; deaths of children under the age of eighteen years; deaths resulting from suspected domestic violence; and deaths of all infants and all women who die during pregnancy, at the time of birth or within one year of the birth of a child. The bill requires regular reporting to the Legislature.</p>
<b>SB 194</b>	<p><b>Repealing code relating to Medicaid program contract procedure</b> – Addresses a long-standing concern of the Legislature by preventing DHHR from bypassing Purchasing Division rules when bidding and awarding contracts for Medicaid projects.</p>

<p><b>SB 195</b></p>	<p><b>Removing tax rate expiration date on eligible acute care hospitals – WVHA Agenda item - “Upper Payment Limit Program”</b></p> <p>Extends the UPL for one year, through June 30, 2014, in order to maximize the financial benefits of the Program.</p> <p>Reduces the hospital tax rate for this Program from the current rate of 0.88% to 0.45%, almost a 50% reduction;</p> <p>Further, if the UPL program is not extended past June 30, 2014, the legislation states that any remaining funds (unmatched tax funds) will be split evenly between the Medicaid program, and the hospitals that participated in the private hospital UPL program.</p>
<p><b>SB 197</b></p>	<p>Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts</p>
<p><b>SB 208</b></p>	<p><b>Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services -</b> Supplemental appropriation of \$1.8 million for Medicaid from State General Revenue Fund, to DHHR, Division of Human Services.</p>
<p><b>SB 214</b></p>	<p><b>Eliminating interview requirement for certain medical licensee applicants –</b> Eliminates the requirement for all licensure applicants to appear for a personal interview with the Board of Medicine in certain circumstance but authorizes the board to require applicants, on a case-by-case basis, to appear for a personal interview or to produce original documents for Board review.</p>
<p><b>SB 265</b></p>	<p><b>Authorizing DHHR promulgate legislative rules –</b>Omnibus DHHR Legislative Rules Bill (includes legislative agency rules for reportable diseases, events and conditions; Pulse oximetry testing for newborns; and the West Virginia Health Information Network, among other DHHR rules.</p>
<p><b>SB 270</b></p>	<p><b>Authorizing Department of Revenue promulgate legislative rules -</b> Includes rules for the establishment of Provider Sponsor Networks.</p>
<p><b>SB 335</b></p>	<p><b>Permitting Weirton Medical Center exemption from certificate of need –</b> Bill drafted very narrowly to impact one hospital in the northern panhandle. Bill specifically states:</p> <p>“(1) (A) The ambulatory health care facility is located in the same county as the hospital; or (B) The ambulatory health care facility is located in the same zip code as the hospital, and the hospital is the only hospital in the county, the hospital is located less than one-half mile from the county line in which it is located and the hospital is located less than one mile from a state bordering West Virginia;”.</p>
<p><b>SB 336</b></p>	<p><b>Relating to interscholastic athletics concussions and head injuries –</b> According to the bill, the Secondary Schools Activities Commission (SSAC) is to develop standards for identification and handling of head injuries to school interscholastic athletes. The bill however</p>

	does not include medical liability protections for health provider volunteers as was originally proposed.
<b>SB 355</b>	<b>Relating to final wage payment to discharged employees</b> –Bill provides employers more flexibility related to the time in which they are to pay former employees wages due. These individuals may also request payment by mail. Bill states that whenever a person, firm or corporation discharges an employee, wages shall be paid in full on any day other than Saturday, Sunday or any legal holiday as set in Code.
<b>SB 359</b>	<b>Relating generally to reforming public education – Governor’s Education Reform Bill -</b> This bill outlines a comprehensive plan to raise student achievement and improve the state's education system. The legislation addresses all five areas outlined by the Governor before the legislative session: 1. All children will read at grade level by the end of third grade; 2. High school graduates will be ready to enter the workforce upon graduation or make a seamless transition into college or vocational school; 3. All students will be taught by great teachers; 4. Students will learn in a variety of ways; and 5. Public education will be delivered locally, not by Charleston.
<b>SB 371</b>	<b>Relating to prison overcrowding – Governor’s Prison Reform Bill -</b> This bill is also known as the Governor's Justice Reinvestment initiative. It strengthens the supervision and accountability of those inmates on probation and parole in order to reduce the number of repeat offenders in our prison system and, in turn, reduce crime in communities throughout our state. This bill will save the state an estimated \$140 million over the next five years, committing \$25.5 million of these savings for community-based substance abuse treatment programs for persons released on probation or parole.
<b>SB 435</b>	<b>Continuing Municipal Home Rule Pilot Program</b> - Bill continues the Home Rule Pilot Project for another five years in West Virginia and adds 16 cities to the existing four that have been part of the program - Charleston, Huntington, Wheeling and Bridgeport. The provision in the bill getting the most attention is the one that would eliminate any city from consideration that has a restrictive gun ordinance, like the one in the City of Charleston. If Charleston wants to continue to be a part of Home Rule it will have to make a decision after the new program begins July 1. The bill says an ordinance like Charleston’s would be null and void after 90 days if the city is accepted into the new Home Rule program. A provision not to allow guns in public buildings would be allowed. Currently Charleston, South Charleston, Dunbar and Martinsburg have more restrictive gun ordinances than the rest of the state.
<b>SB 440</b>	<b>Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement</b> - Authorizes the Attorney General to disclose specified tax information to specified persons relevant to enforcement of the agreement, and provides for a written agreement between the Tax Commissioner and the Auditor for disclosure and protection of confidential taxpayer information.
<b>SB 458</b>	<b>Permitting PEIA operate Medicare retiree health plan on calendar-year basis</b> – Bill only applies to PEIA’s Medicare retiree plan. The change is expected to save PEIA \$10 million to \$12 million annually.

SB 464	<b>Regulating tanning facilities</b> – This bill bans access to tanning facilities to youth under age 14 and restricts access for ages 15-18 with parental consent.
SB 481	<b>Relating to juvenile mental health treatment</b> – Allows parents to sign “voluntary” adolescent into a mental health facility without going to the facility. The bill also allows sheriff transport from hospital if parents are unable or if the adolescent is too violent.
SB 523	Making supplementary appropriation of un-appropriated moneys to various accounts
SB 525	Making supplementary appropriation of federal funds to various accounts
SB 526	Making supplementary appropriation of federal funds to DHHR, Division of Human Services- Temporary Assistance for Needy Families
SB 534	<b>Insurance information disclosure</b> – This bill corrects internal code reference regarding insurance information disclosure - applies to personal lines liability.
SB 544	<b>Scheduling departmental performance reviews</b> – This bill states that an agency review shall be performed on one or more agencies under the purview of each department at least once every 7 years. Agencies include the Department of Administration; the Department of Education, including the Higher Education Policy Commission, and the Department of Health and Human Resources, including the Bureau of Senior Services, among other agencies.
SB 557	<b>Continuing Preventive Care Pilot Program</b> – Continues a pilot program created several years ago to provide preventive and primary care services to patients under a monthly fee. There are 3 such programs around the state including in Wheeling, Fairmont, and the Fayette County area.
SB 580	<b>Dentistry Practice Act</b> - Updates requirements for dental intern, resident and teaching permits, among other provisions in the Act.
SB 601	<b>Removing requirement certain juvenile proceedings be sealed</b> - Relates to juvenile offenders; extending circuit court jurisdiction over juvenile status offenders adjudicated delinquent for habitual truancy until the juvenile reaches twenty-one years of age or completes a court ordered education plan, among other provisions.
SB 604	<b>Expanding definition of "electioneering communication"</b> – Relates to the regulation and control of elections, generally; defining terms; and expanding the definition of “electioneering communication”. According to the bill, “electioneering communication” means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement or published in any newspaper, magazine or other periodical that refers to a clearly identified candidate running for offices that are spelled out in the bill.

<p><b>SB</b> 663</p>	<p><b>Creating WV Feed to Achieve Act</b> – This bill would expand free breakfast and lunch programs at West Virginia schools. County school boards would be required to set up accounts or nonprofit foundations to accept contributions that would be used to provide additional meals to students.</p>
<p><b>SB</b> 664</p>	<p>Decreasing appropriations of public moneys in State Fund, General Revenue</p>
<p><b>HB</b> 2046</p>	<p><b>“Kelsey Smith Act”</b> - Requires wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner.</p>
<p><b>HB</b> 2108</p>	<p><b>Making the offense of failure to wear safety belts a primary offense</b> - Under this bill, police would be able to stop drivers and write them tickets for not wearing a seatbelt. State law already requires safety belts for adults in the front seat, as well as anyone under 18, but skirting the law is only a secondary offense. That means police have to pull drivers over for a primary offense, like speeding or running a stop sign, before they can write them a ticket for not wearing a seat belt. Bill strikes language in the law designating seatbelt violations as secondary offenses and set fines at \$25. Previously, drivers could be fined "up to \$25" for seatbelt violations.</p>
<p><b>HB</b> 2395</p>	<p><b>Relating to senior services</b> - Relates to senior services in-home care registry; providing for sixty-day waiver of initial registration fee; clarifying rule-making authority for the Bureau of Senior Services to require an applicant to obtain a state or federal criminal background check; and requiring legislative rules to be proposed for legislative approval during the 2014 legislative session.</p>
<p><b>HB</b> 2453</p>	<p><b>Expanding the Amber Alert Plan; "SKYLAR'S LAW"</b> – Requires law enforcement agencies to report a suspected abduction or missing child to Amber Alert authorities in the initial stages of an investigation.</p>
<p><b>HB</b> 2463</p>	<p><b>Repealing the article that permits the sterilization of persons deemed to be mentally incompetent</b> – Interim clean-up bill.</p>
<p><b>HB</b> 2487</p>	<p><b>Prohibiting the use of laetrile</b> - The U.S. Food &amp; Drug Administration restricts transportation of the cancer drug across state lines and it’s not manufactured in WV. The drug, formerly administered under an “informed consent” provision in the law, can be converted to cyanide in the body.</p>
<p><b>HB</b> 2512</p>	<p><b>Reforming the state Medicaid subrogation statute</b> – Bill aims to help Medicaid recover some of its spending. It responds to a recent state Supreme Court decision. The divided court limited what the state could recoup from a child covered by Medicaid who later won a \$3.6 million medical injury settlement. Medicaid spent more than \$500,000 on the child's care. It also remains on the hook for all future care. But the Supreme Court limited Medicaid's</p>

	recovery to less than \$100,000. This bill would mandate advance notice of such cases and make Medicaid a party in them. Any settlement would require the program's approval or go before a judge.
<b>HB 2513</b>	<p><b>Improving enforcement of drugged driving offenses</b> - This bill strengthens the intent of Gov. Tomblin's bill which is to make roads safer. This bill gives law enforcement the tools they need to identify and remove drug impaired drivers from our roadways.</p> <p>Specifically, this bill would allow for breath or blood testing of drivers suspected of driving under the. The legislation provides that implied consent applies to testing for controlled substances or drugs upon the arrest of a driver in this state, just as it does for alcohol consumption. "Drug" is defined as "any substance, other than alcohol, that when taken into the human body can impair the ability of a person to safely operate a vehicle in compliance with traffic regulations and the laws of the road."</p> <p>The State Police Forensic Laboratory would determine the legal limits for various drugs. Refusal to submit to a blood test would result in revocation of the individual's driver's license for at least 45 days.</p>
<b>HB 2519</b>	Relating to reallocation and repatriation of certain funds to the General Revenue Fund
<b>HB 2531</b>	<b>Relating to the practice of speech-language pathology and audiology</b> – Modifies the statute governing the practice of speech-language pathology and audiology, including in the area of licensure.
<b>HB 2538</b>	<b>Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts</b> – Supplemental appropriation bill "sweeping" various accounts for purposes of directing funding to Medicaid. This bill includes a \$5 million "sweep" of the Health Care Authority account.
<b>HB 2541</b>	<b>Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services</b> - Supplemental appropriation of \$67,432,506 for Medicaid from State Excess Lottery Revenue Fund, to DHHR, Division of Human Services.
<b>HB 2542</b>	<b>Relating to publication of the State Register</b> – Requires the State Register, Code of State Rules and other documents of the Secretary of State be available only in electronic format; exceptions; rule-making authority; and providing that the fees collected for the sale of certain records will be deposited in equal amounts into the General Revenue Fund and the service fees and collections account.
<b>HB 2577</b>	<b>Relating to the practice of pharmacist care</b> – revises the Pharmacy Practice Act. Bill includes language providing limited criteria for pharmacists to perform Medication Therapy Management.
<b>HB</b>	<b>Authorizing miscellaneous Boards and Agencies to promulgate legislative rules</b> –Rules

2689	include those for the Board of Medicine; Board of Osteopathic Medicine; Board of Pharmacy; and Board of Examiners for Registered Professional Nurses, among other professional licensure rules.
HB 2729	<b>Allowing schools to voluntarily maintain and use epinephrine auto-injector</b> - Bill allows schools to voluntarily store and administer epinephrine auto-injectors to be used in life-threatening allergic reactions, or anaphylaxis. The state Board of Education is to promulgate rules. A school nurse or other trained personnel designated by the school would administer the epinephrine auto-injector in an emergency with immediate parental and EMS notification.
HB 2731	<p><b>Regulating the performance of health maintenance tasks by unlicensed personnel – “Ken Ervin Community Living Act”</b> - Allows for unlicensed personnel to perform specified health maintenance tasks in certain personal care facilities. Bill defines tasks as:</p> <ul style="list-style-type: none"> <li>(1) Administering glucometer tests;</li> <li>(2) Administering gastrostomy tube feedings</li> <li>(3) Administering enemas; and</li> <li>(4) Performing ostomy care which includes skin care and changing appliances;</li> </ul> <p>“Health maintenance tasks” do not include judgment, evaluation, assessments, injections of medication, or monitoring of medication or self-administration of medications, such as prescription drugs and self-injection of medication by the resident.</p>
HB 2738	<p><b>Relating to the Center for Nursing</b> - This bill makes significant modifications to the statute governing the existing Center for Nursing. The bill continues the Center and updates its various powers and duties under the Higher Education Policy Commission. The bill also reorganizes the Center’s Board of Directors by updating its membership and powers and duties.</p> <p>According to the bill, the Center shall report annually by December 1 to the Legislative Health Oversight Commission (LOCHHRA) and the Legislative Education Oversight Commission (LOCEA) on its progress in developing a statewide strategic plan to address the nursing shortage.</p> <p>One of the more significant changes to the statute governing the Center deals with its funding. The special revenue account currently established is continued but the bill states that administrative costs are to be minimized and the maximum amount feasible is to be used to fund awards for students in nursing programs. This amounts to only 25% of the total budget directed to administrative purposes.</p> <p>The bill does not change the funding sources of the Center but modifies the terms in which nursing scholarships are awarded including the following:</p> <ul style="list-style-type: none"> <li>(A) An award of at least \$3,000 for a student in an approved LPN nursing program located in the state. The student shall be required to practice in West Virginia for at least one year;</li> <li>(B) An award of at least \$7,500 for a student who has completed half of an approved RN nursing program located in West Virginia. A recipient shall be required to teach or practice in West Virginia for at least two years.</li> </ul>

	<p>(C) An award of at least \$15,000 to a student in a nursing education master’s degree program or doctoral student in an approved nursing program located in West Virginia who shall be required to teach in the state for at least two years.</p> <p>As it relates to the Center, the bill establishes the conditions for receipt of financial aid for nursing students; and provides for reimbursement by nursing students who fail to meet service requirements for receipt of financial aid, among other provisions.</p> <p>The Higher Education Policy Commission is to report to the Legislature annually on the number of students who have received awards.</p> <p>Along with provisions governing the Center for Nursing, the bill also relates generally to the administration of financial aid and higher education scholarship programs by the Higher Education Policy Commission. The bill re-designates the Health Sciences Scholarship Program as the Health Science Service Program; expands program eligibility and award amounts; redefines medically underserved areas; provides state aid for certain students pursuing certain degrees; requires a service commitment to state and sets forth alternatives to service.</p> <p>The bill requires legislative rules and specifies rule provisions to effectuate the bill.</p>
<p><b>HB 2780</b></p>	<p><b>Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services</b> – Relates to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services; requiring such meetings be held quarterly; authorizing the directors of detention centers to call such meetings in certain circumstances; requiring assessments be provided in all cases to the court and team members; and requiring that team members be notified that he or she may participate in team meetings electronically.</p>
<p><b>HB 2802</b></p>	<p><b>Relating to the Emergency Medical Services Retirement System</b> – Modifies the definition of annual compensation as it relates to determining benefits, among other provisions.</p>
<p><b>HB 2805</b></p>	<p><b>Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program</b> – Would give qualified candidates up to \$300,000 in campaign funds during the primary election, and \$525,000 during the general election</p>
<p><b>HB 2819</b></p>	<p><b>Relating to the financial oversight of entities regulated by the Insurance Commissioner</b> – Includes requiring captive insurance companies organized as risk retention groups to comply with risk-based capital for insurers’ provisions and state rules; and incorporating a solvency trend test for property and casualty insurance companies.</p>
<p><b>HB 2825</b></p>	<p><b>Relating to certain appointive state officers’ salaries</b> - Raises the salary of the next DHHR secretary from \$95,000 to \$175,000 a year.</p>

<p><b>HB</b> 2960</p>	<p><b>Providing for internal and external review of adverse health coverage determinations-</b> Conforms state insurance law with the ACA by authorizing the Insurance Commission to provide for a review of adverse determinations by insurance companies, and for utilization review and internal appeals of the determinations.</p>
<p><b>HB</b> 2979</p>	<p><b>Relating to broadband deployment projects</b> – Bill would require West Virginia's minimum acceptable broadband speed to match standards set by the Federal Communications Commission. Under the bill, West Virginia's minimum download speed would be 4 megabits per second -- the current federal standard. The minimum upload speed would be 1 megabit per second. Higher speeds allow people to download web pages, music, videos and online games more quickly. Broadband Deployment Council members proposed the bill to redefine download speeds to expand the pool of applicants seeking funds for projects that increase high-speed Internet service in rural areas.</p>
<p><b>HB</b> 2992</p>	<p><b>Related to distributors of imported cigarettes</b> – This bill eliminates duplicative reporting requirements imposed on distributors of imported cigarettes.</p>
<p><b>HB</b> 3003</p>	<p><b>Facilitating compliance with the Tobacco Master Settlement Agreement</b> - This bill facilitates and enforces compliance with escrow, certification and other requirements imposed on certain tobacco manufacturers that did not participate in the Agreement, imposing bonding requirements and providing for forfeiture of bond for noncompliance.</p>
<p><b>HB</b> 3013</p>	<p><b>Authorizing the establishment of job creation work groups</b> – Allows the Senate president or House speaker to appoint work groups of legislators to focus on job creation and business recruitment in particular areas of the state.</p>
<p><b>HB</b> 3069</p>	<p><b>Relating to access to justice</b> – Relates to providing that attorney fees may be awarded for successful recovery of denied medical benefits in certain workers' compensation cases; and providing fee limits.</p>