

WVHA

LEGISLATIVE UPDATE

February 16, 2024

Today is Day 38 of the 60 Day Session and more than [2500](#) bills have been introduced in the Legislature. The last day to introduce bills in the Senate is Mon. **Feb. 19**. Below are the highlights of another busy week for hospitals at the State Capitol.

Status of Priority Hospital Bills

- **HB 5157 -DPP – completes legislative action** – This week, the full Senate unanimously passed HB 5157 which is our Facility Medicaid Directed Payment Program (DPP) bill. With the Senate’s action, the bill now heads to the Governor for his signature.
- **SB 325 - 340B pending in House Finance Committee** - This is the bill that prevents pharmaceutical companies from implementing policies that restrict our hospitals’ ability to utilize contract pharmacies under the federal 340B program. The bill is pending in the House Finance Committee. **Action Alert:** If you haven’t already done so, please be sure to contact your local Delegate (s) on the [House Finance Committee](#) and ask they support SB 325.
- **SB 477 – Anti-doxing bill pending in House Judiciary Committee** – This bill is pending in the House Judiciary Committee. A Committee Substitute of the bill is moving that remains intact from the introduced version but with the addition of first responders (like law enforcement, EMS, and firefighters) to the list of those protected under the bill. **Action Alert:** Please contact your [local Delegate \(s\) on the House Judiciary Committee](#) and request support for SB 477. Also this week, the Senate Judiciary Committee advanced [SB 637](#) which is a version of Anti-Doxing but for state and local government officials. The bill is pending on the Senate Floor.

Hospital / Health related bills of note

The WVHA is managing several bills impacting hospitals including [SB 17](#) which is a Department of Health Rules Bills. This bill contains an amendment to the Hospital Licensure Rule relating to hospital reporting of quality data. The bill is pending the House floor and is currently on the House inactive Calendar. The amendment is available [here](#). We’re working collaboratively with House Health Committee members to express our concerns on the mandated reporting requirements contained in the amendment. Please be on the lookout for details and the latest developments. Other bills on the radar that impact hospitals and their status:

- [HB 4320](#) - Relating to access for minor children’s medical records – **passed House, pending Senate Health**
- [HB 4376](#) - Relating to surgical smoke evacuation - **passed House, pending Senate Health**

- [HB 5054](#)- Relating to the licensure of birthing centers – *passed House, pending Senate Health*
- [HB 5530](#) – Requiring a hospital to disclose price and fee information for certain health care services – *pending House Health*
- [HB 5067](#)- Removing 2-year timeframe for medical malpractice suits to be filed ONLY for individuals who were minors when they had their procedures performed – MPLA Bill – *House Floor*
- [HB 5163](#) - Involuntary hold by law enforcement for a person determined to be an imminent danger – *pending House Judiciary*
- [SB 567](#) (same as HB 5481) - Immunity for hospitals with own police dept.– *pending Senate Judiciary and House Health*
- [HB 5688](#) (same as SB 794) - Immunity from civil liability for accredited academic hospitals – *pending House Judiciary and Senate Judiciary*
- [SB 714](#) - Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine – *Senate Floor*
- [SB 514](#) - Lung Cancer Prevention and Education Act – *pending Senate Finance*

House Health Committee acts on immunization bill – HB 5105

The House Health Committee this week passed an amended version of [HB 5105](#) which seeks to eliminate the vaccine requirements for public virtual schools. The bill was amended in Committee and now states “A child attending virtual public school shall be exempt from the requirements of this section, except if that child participates in public school extracurricular and co-curricular activities.”

Some points about the bill:

- The definition of co-curricular is broad and vague, leaving open a potential for 55 different interpretations of what this policy means, which virtual school students must meet the school immunization requirements, and when. This would likely cause a great amount of confusion among schools and subsequently the parents and caregivers of the virtual students seeking to utilize the exemption.
- The WV Immunization Network, of which WVHA participates opposes non-medical exemptions to school immunization requirements, the elimination of childcare/school immunization requirements, and the weakening of our school immunization requirements in any way. Subsequently, our coalition opposes HB5105. The bill is now pending in the House Judiciary Committee.

Another bill was advanced by the House Health Committee – [HB 5361](#) - Relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis based upon recommendations of the CDC. The bill states that a licensed hospital shall offer to an inpatient who is 50 year of age or older (instead of the current age 65) – a flu shot prior to discharge from October 1 of every year and continuing through March 1 of the following year. The bill was advanced to the House Floor.

CON bills on the radar

Several bills relating to Certificate of Need (CON) remain on the radar including the following:

- [HB 4433](#) – Mobile exemption bill – *passed House, now in Senate Health*
- [HB 5286](#) - Eliminating the ability to sub-contract under CON- *passed House, now in Senate Health*
- HB 4795 - Academic medical center to operate an opioid treatment facility – *pending House inactive Calendar*
- HB 4909 – CON Repeal – *pending House Health*
- [HB 5303](#) – Exempting neighborhood hospital from CON – *pending House Health Committee*

Other topics on the radar

The Association continues to monitor a variety of other health care topics associated with the Medicaid Program and EMS, to name a few areas. Bills of note:

- **Medicaid** - [HB 5647](#) – MCO Tax to address the projected Medicaid shortfall of \$114 million – *pending in House Finance (no Senate companion bill introduced to date)*
- **Medicaid** - [HB 5557](#) – "Medicaid Sustainability Act of 2024" This bill eliminates hospital ability to enroll patients for Medicaid presumptive charity for anyone other than pregnant women and children. Directs Medicaid to file a federal 1115 Waiver to prohibit individuals from Medicaid coverage for at least 6 months if they fail to notify Medicaid of changes that may affect eligibility, among other provisions – *pending House Health Committee*
- **EMS** - [SB 444](#) - Relating to health insurance coverage for emergency services; providing coverage mandates for ground ambulance services when a prudent layperson acting reasonably would have believed that an emergency medical condition existed; providing that covered services include pre-hospital screening and stabilization of emergency conditions by an ambulance service; providing that air ambulance service is excluded from coverage; providing that coverage is subject to deductibles or copayment requirements of the policy, contract, or plan; and providing that coverage be provided if the patient declines to be transported against medical advice – *passed Senate now in House*
- **EMS** - [HB 5255](#) - To require insurance companies to reimburse ambulance agencies for providing treatment in place or transportation to alternative destinations – *pending House Judiciary*

If you have any questions about these or other bills introduced or any bills featured in the *Update*, please feel free to contact [me](#), [Jim Kaufman](#) or [Brandon Hatfield](#). Thanks.

Tony



Tony Gregory | Vice President, Legislative Affairs
West Virginia Hospital Association
100 Association Drive Charleston, West Virginia 25311
tgregory@wvha.org | 304.353.9719 | www.wvha.org