

# WVHA

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## LEGISLATIVE UPDATE

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**February 2, 2024**

Today is Day 24 of the 2024 Regular Session and more than [2000](#) bills have been introduced in the Legislature. It's been a busy and productive week for WVHA at the State Capitol. Below are the highlights and a listing of key hospital/health care bills of interest.

### **House passes HB 5157 - Facility Directed Payment Program (DPP)**

Today, the full House passed HB 5157 which is our Medicaid DPP bill by a vote of [83-9](#). Centers for Medicare and Medicaid Services (CMS) recently changed the formula calculating the limit of federal funding a state can receive through the DPP. Historically, the cap has been the Medicare level, but other states like Kentucky received CMS approval to use the average commercial rate (ACR) which increased the federal funding limit. The bill will allow WV Medicaid to seek similar approval from CMS. The bill removes the static tax rate on the Program and allows the hospitals to assess themselves at the maximum rate allowed by CMS. More importantly, this bill expands hospitals eligible to participate in the Program from 23 up to approximately 57 hospitals, including critical access hospitals.

**Action Alert:** Please be sure to thank members of the [House](#) for passing HB 5157. The bill now moves on to the Senate for consideration. It will be assigned a committee reference on Monday so please be on the lookout for updates, and please contact your [Senators](#) and request their support for HB 5157.

### **340B Legislation advances unanimously in Senate Judiciary – now on Senate Floor**

SB 325 re: 340B passed the Senate Judiciary Committee unanimously yesterday, following several hours of testimony and questioning by Committee members. Many thanks to everyone who engaged Senate members over the past week, and for any action you may have taken to advocate for this bill. Testifying on behalf of WVHA and the Legislative Committee was Karen Bowling who responded to legislator questions and did a great job of emphasizing the important role that 340B plays to West Virginia hospitals. The representative that provided testimony from PhRMA yesterday was Kipp Snider, national VP of State Advocacy.

The purpose of the bill is to prevent pharmaceutical companies from implementing policies that restrict our hospitals' ability to utilize contract pharmacies under the federal 340B program.

**Action Alert:** The bill will be on 1<sup>st</sup> reading Monday in the Senate with a full vote expected mid-week. While we are pleased with our Senate Health and Judiciary movement, we need to continue to focus on the Senate floor vote, as opposition will surely continue to oppose the bill. Please contact your local [Senator\(s\)](#) in support of SB 325.

## Status Update on SB 447 – Anti-doxing legislation

This week, the full Senate advanced SB 477 by a vote of 33-0 and sent it to the House where it was referred to the House Judiciary Committee. A Committee Substitute of the bill is moving that remains largely 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. 2 parts to the bill:

- The bill aims to criminalize knowingly, willfully, and intentionally making the personal information of a health care worker and first responder, or their immediate family, publicly available on the internet with the intent to threaten or incite the commission of a crime of violence against that person, or with the intent and knowledge that the personal information will be used in this way.
- The bill also provides a process for a health care worker/first responder to submit a written request to a state or local government to remove personal information from records available on the internet if he or she provides evidence that they are a health care worker and affirm under penalty of false swearing that they have reason to believe that the dissemination of the personal information contained in the records that the official makes available on the internet poses an imminent and serious threat to the person's safety or the safety of the person's immediate family.

**Action Alert:** We're now focusing our attention on the House Judiciary Committee to advance this bill. Please contact your [local Delegate \(s\) on the House Judiciary Committee](#) and request support for SB 477. We're engaging the members of the first responder community but it's important that Delegates hear from the hospital field including doctors, nurses and others re: the protections afforded in the bill.

## Update re: Childhood Immunization Bills

There's been no official action on legislation involving childhood immunization but it's important to continue outreach – especially to [House members](#). WVHA is working with various stakeholders and the group leading the effort is the [West Virginia Immunization Network](#), under the Center for Rural Health Development.

About 30 or so House Bills have been introduced to roll back our childhood immunization policies in various ways - for example, by allowing for religious and philosophical exemptions, to name a few. In the Senate, there are about 15 or so bills introduced relating to immunizations including one that we're watching closely [SB 553](#) – providing for religious exemptions of school attendance immunizations. We'll continue to follow the action and provide any advocacy updates throughout the week.

## Hospital Operational Bills Introduced or Moving

There are various bills moving or introduced that impact hospital operations from a financial, clinical, regulatory and operational perspective. The WVHA Legislative Team is actively engaged with legislators and stakeholders on some of the following bills. If you have specific questions about any of these bills, please contact [me](#) for additional information.

- [HB 4320](#) (same as [HB 5120](#)) - Relating to access for minor children's medical records – *pending full House*
- [HB 5054](#) - Relating to the licensure of birthing centers – *pending full House*
- [HB 4376](#) - Relating to surgical smoke evacuation – *pending Senate Health Committee*
- [HB 4433](#) – CON exemption for acquisition of mobile facility CT – *pending Senate Health Committee*

- [HB 5163](#) - Involuntary hold by law enforcement for a person determined to be an imminent danger – *pending House Judiciary Committee*
- [HB 5271](#) - Relating to Privacy of Social Care information – *pending House Judiciary Committee*
- [SB444](#) - Clarifying health insurance coverage for emergency services – *pending Senate Finance Committee*
- [SB 567](#) - Providing immunity for hospitals who own police department – *pending Senate Judiciary Committee*

### Some Public Health and Behavioral Health Bills of Note

- [SB 514](#) - Lung Cancer Prevention and Education Act – *pending Senate Health Committee*
- [HB 4983](#) – Fund Tobacco Cessation Initiative – *pending House Finance Committee*
- [HB 5192](#) – Requiring Board of Pharmacy to promulgate rule – *pending House Health Committee*
- [SB 442](#) (same as [HB 5154](#)) – Removing the liability for mental health professionals providing services in mental hygiene cases – *pending Senate Judiciary Committee/House Health Committee*
- [H B 5254](#) - Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals – *pending House Judiciary Committee*
- [HB 5248](#) - Relating to the regulation of behavioral health centers – *House Floor*

### Reminder: Next Week is Hospital Advocacy Week

If you haven't already done so, please [register](#) for our Hospital Advocacy Week activities. Events will include a **Health Care Providers Legislative Reception on Wednesday, February 7 from 5:30 p.m. - 7:30 p.m. and a Hospital Day at the Legislature Breakfast on Thursday, February 8**. Both events will be held at the West Virginia Culture Center. **Thursday, February 8 will also be Hospital Day at the Capitol**. Please click here to view the [Agenda](#). If you are registered for Hospital Day and have not yet done so, we encourage you to schedule time to meet with your Legislators. If you need help in the scheduling process or have any questions, please contact [me](#).

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.

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