

WVHA

LEGISLATIVE UPDATE

February 23, 2024

Today is Day 45 of the 60 Day Session and we're approaching 2 important deadlines ahead of the finale midnight March 9:

- **47th Day** – Feb. 25: Bills due out of committees in house of origin to ensure 3 full days for readings.
- **50th Day** – Feb. 28: "Cross Over Day" - Last day to consider bill on third reading in house of origin.

The pace of the Legislative Session will pick up as the Senate and House will begin working weekends in floor sessions and committee meetings. Please be on the lookout for updates as the action continues to unfold. Below is the status of key bills the WVHA is monitoring.

Priority Hospital Bills

- [HB 5157](#) - Facility Directed Payment Program (DPP) – **completed legislative action**
- [SB 325](#) - 340B protections – **pending House Finance**. 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 for health care workers and first responders – **pending House Judiciary**. **Action Alert:** Please contact your [local Delegate \(s\) on the House Judiciary Committee](#) and request support for SB 477. There is also a similar bill advancing - [SB 637](#) – Anti-Doxing for all employees – **pending House Judiciary**

Status of Key Operational Bills Impacting Hospitals

The WVHA is managing several bills directly impacting hospitals from a financial, clinical, regulatory, and operational perspective. If you have questions about the current language in the bill, please contact [me](#). Below is a status update.

- [SB 17](#) – Dept. of Health Rules Bill – amendment re: hospital reporting of quality data in Hospital Licensure Rule – **pending House Floor – inactive calendar**
- [HB 5530](#) – Requiring hospital to disclose price and fee information for certain health care services – **House Floor**
- [HB 5067](#) - Removing 2-year timeframe for medical malpractice suits for minors – **House Floor - inactive calendar**
- [HB 4320](#) - Relating to access for minor children's medical records – **pending Senate Judiciary**
- [HB 4376](#) - Relating to surgical smoke evacuation - **pending Senate Health**
- [HB 5054](#) - Relating to the licensure of birthing centers – **pending Senate Health**

- [HB 5361](#) - Flu shots to be offered to hospital patients age 50 and older voluntarily based upon CDC recommendations – [pending Senate Health](#)
- [SB 769](#) - Prohibiting certain medical exams on anesthetized patients – [pending Senate Judiciary](#)

Other Health Care Bills of Interest

There are several bills impacting public health, physicians, physician assistants, pharmacists, and other clinicians that we're following this session. Below is a status update of a few of these health care bills of interest:

- [SB 514](#) - Lung Cancer Prevention and Education Act – [pending Senate Finance](#)
- [SB 714](#) - Board of Osteopathic Medicine/Board of Medicine combine bill – [pending House Government Organization](#)
- [SB 667](#) – Creating Physician Assistant Compact – [pending House Government Organization](#)
- [SB 169](#) – Allowing physician assistants to own practice – [pending House Health](#)
- [HB 5635](#) – Prescription labeling – [pending Senate Health](#)

Update re: Key CON Bills

There have been several bills introduced in the Legislature this session impacting the Certificate of Need (CON) program. As we previously reported to you this week, HB 4909 (CON Repeal) was advanced to the full House by the House Health Committee 13-9. Yesterday, the bill was placed on the House's "inactive" Calendar, and we now understand there is little support for moving it to the House's "active" Calendar (Special Calendar). Thank you to the WVHA membership for engaging on this bill. We will keep everyone posted on developments. As for other CON bills, below is a status update:

- [HB 5303](#) – Exempting neighborhood hospital from CON – [pending House Health](#)
- [HB 4433](#) – Mobile CT exemption bill – [pending Senate Health](#)
- [HB 5286](#) - Eliminating the ability to sub-contract under CON re: personal care services- [pending Senate Health](#)

Update re: Childhood Immunization Requirements

[HB 5105](#), which started as a bill to eliminate the vaccine requirements for students in public virtual schools, was taken up by the House Judiciary Committee on Tuesday and was amended. The bill now also removes the immunization requirements for children in private or parochial schools, with the exception of those students who take part in WVSSAC-sponsored athletics.

HB 5105 is on second reading (the amendment stage) today in the House of Delegates. There are several amendments filed including one that would add nonmedical exemptions to public school and childcare immunization requirements. Such an amendment will make this bad bill even worse and would position WV to move from having one of the strongest school immunization requirements in the nation to having one of the weakest.

The WV Immunization Network sent a CALL TO ACTION this morning and is requesting individuals [contact House of Delegates members](#) to oppose HB 5105. Please join in this effort.

Medicaid Related Bills on the radar

As we approach the final weeks of the legislative session, we'll be hearing more about the Legislature's plan for the SFY 2025 Budget, including the Medicaid budget. As we've reported, there is a shortfall in the Medicaid budget of approximately \$114 million. This shortfall is the result of several factors, but primarily created because of the end of increased federal funds to the states for the COVID public health emergency (PHE). At the start of the pandemic, Congress increased federal funding support to state Medicaid programs by 6.2% to help navigate the PHE and cover costs for Medicaid receipts since no one could be disenrolled from Medicaid coverage during the PHE.

At the center of the Medicaid discussions is [HB 5647](#) which increases and maintains the bracketed tax rates on health maintenance organizations (MCO Tax bill). The bill passed the House today 93-2 and is headed to the Senate for consideration. Other proposals circulating in the Legislature include a directive to require BMS to make a request to CMS allowing West Virginia to terminate presumptive eligibility for all patients with the exception of pregnant women and children, which the WVHA opposes—[HB 5557](#). There are other cost containment or Medicaid related bills introduced in the Legislature we are watching closely including:

- [HB 5536](#) - Assessment of interest on overpayments by the Bureau for Medical Services – *pending House Floor*
- [SB 796](#) - Requiring BMS give preference to in-state providers of medical services – *pending Senate Floor*
- [SB 791](#) -Modifying membership of Medical Services Fund Advisory Council – *pending Senate Finance*
- [SB 805](#) - Medicaid reimbursements for services at residential substance abuse treatment facilities – *pending Senate Finance*
- [SB 820](#) - Automatic enrollment of substance abuse disorder population into managed care – *pending Senate Finance*

EMS Related Bills advancing

- [SB 444](#) - Health insurance coverage for certain emergency services – *pending House Judiciary*
- [SB 533](#) - EMS agencies to triage, treat or transport patients to alternate destinations – *pending House Health*
- [HB 5347](#) - Establishing program for EMS personnel to become certified paramedics- *pending Senate Health*

Behavioral Health Bills advancing

- [H B 5254](#) - Mental hygiene regions by Supreme Court of Appeals – *House Floor*
- [HB 5248](#) – Regulation of behavioral health centers – *pending Senate Health*
- [SB 442](#) - Immunity for mental health providers who are involved in mental hygiene checks – *pending Senate Floor*

If you have any questions, please feel free to contact [me](#), [Jim Kaufman](#) or [Brandon Hatfield](#). Thanks. Tony



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