

# WVHA

## LEGISLATIVE UPDATE

April 14, 2025

### 2025 Regular Session Concludes

The 2025 Regular Session concluded at midnight Saturday. In total [249 Bills](#) (152 House Bills, 97 Senate Bills) completed legislative action. Much of the 2025 Regular Session involved protecting hospitals and health systems from proposed legislation imposing significant financial, clinical, regulatory, and operational burdens. Defensive tactics were the priority this session and we could not have accomplished our goals of defeating and/or containing bills without your grassroots support. Thank you. The following are Session Highlights and a Compilation of Bills that successfully completed the legislative process alongside those bills that did not advance. If you have any questions about the bills featured in this Summary or questions about the 2025 Session in general, please contact [me](#).

### Session Highlights

#### *Certificate of Need*

The WVHA successfully fought off Certificate of Need (CON) Repeal this session and other CON related bills that received attention in the Legislature and with Governor Morrisey. In total, there were 3 CON Repeal bills introduced in the Legislature ([HB 2007](#), [3308](#) and [SB 453](#)), along with 6 other CON related bills which would have significantly modified the Program. The main action included the House Health Committee narrowly **defeating** [HB 2007](#), the Governor's bill to Repeal CON by a vote of 13-12 vote (13 opposed to the bill, and 12 in favor) on February 24. Another bill, [HB 3487](#), which would have exempted small format, micro hospitals from CON, was considered by the House Health Committee later in the session, and was ultimately defeated on a voice vote.

#### *Playing Defense*

The WVHA Legislative Team devoted considerable resources to monitoring and responding to several significant hospital and healthcare bills that ultimately did not advance this session. Our defensive positioning and testimony helped shape the outcome of these proposals, which included some of the following bills:

- [SB 718](#) – Hospital Transparency/Reporting (Financial Disclosure etc.) – turned into an interim study resolution through [House Concurrent Resolution \(HCR\) 100](#)
- [HB 2409](#) – Cooperative agreements and state anti-trust (part of the HCR 100).
- [SB 675](#) - 340B Drug Pricing Transparency
- [HB 2044](#) - Allow an entity enrolled in PEIA to leave PEIA and have a 5-year window to return
- [HB 2130](#) - Relating to setting the rate the PEIA shall pay for services
- [HB 2789](#) – Unconscious patients in the ICU - turned into [House Resolution \(HR\) 13](#)
- [HB 2631](#) - To require all medical providers to orally explain all medical treatments and procedures
- [HB 2672](#) – Notice to all former or current patients
- [HB 3328](#) – Require hospitals with no ASL interpreter on staff provide technology
- [HB 3518](#) – Medicaid expansion trigger
- [SB 159](#) - Prohibiting certain medical exams on anesthetized patients
- [SB 606](#) –Notification of breast density

## ***Childhood Immunization***

As for childhood immunization legislation, the main action early in the Session centered on [SB 460](#), the Governor's bill to allow religious exemptions to the state's school vaccination requirements. The bill passed the Senate [20-12](#) and then it was sent to the House Health Committee for consideration. That Committee eventually adopted a version of the bill which in part dealt only with the medical exemption review process...but that was short lived. On amendment stage in the full House, Delegates [voted](#) to basically return the bill back to the version that was passed by the Senate with a religious exemption. Following hours of debate on passage stage, the House then voted down the bill [42-56](#). Later in the session, the Senate Health Committee made another attempt at religious exemptions by amending HB 2776 (dealing with Alpha-gal syndrome) to include provisions of SB 460. When HB 2776 eventually hit the Senate Floor for consideration by the full Senate, the Senate Health Committee Chair Laura Wakim Chapman reversed course, dropping the vaccination exemptions provision from the bill. This put to rest attempts by the Legislature to pass a bill dealing with religious exemptions to the state's school vaccination requirements. The Governor's [Executive Order 7](#) issued on Jan. 14, 2025, relating to religious exemptions, however is still in effect.

## **Hospital / Health Care related bills of note - *completed legislative action***

Many hospital and healthcare bills successfully passed through the legislative process. The WVHA Legislative Team is currently analyzing the final language of these bills, some of which directly impact hospitals and health care providers. Below is the short-title listing of the legislation that was approved.

- [SB 8](#) - Providing additional sites and devices for newborn safe surrender
- [SB 128](#) - Preventing courts from ordering services at higher rate than Medicaid
- [SB 291](#) - Extending time frame for pharmacies to register from annually to biennially
- [SB 299](#) - Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment
- [SB 325](#) - Authorizing Department of Health to promulgate legislative rules (including Hospital Licensure and Critical Access Hospitals)
- [SB 336](#) - Authorizing Department of Homeland Security to promulgate legislative rules (including legislative rules related to SANE)
- [SB 369](#) - Authorizing miscellaneous boards and agencies to promulgate legislative rules (including legislative rules related to Certified Respiratory Therapists)
- [SB 443](#) - Authorizing Speech-Language Pathology and Audiology Board of Examiners to conduct criminal background checks for licensing
- [SB 462](#) - Permitting Board of Occupational Therapy to require criminal history record checks
- [SB 458](#) - Universal Professional and Occupational Licensing Act
- [SB 526](#) - Pharmacist Prescribing Authority Act
- [SB 537](#) - Establishing WV Mothers and Babies Pregnancy Support Program
- [SB 565](#) - Relating generally to practice of optometry
- [SB 710](#) - Relating to the practice of teledentistry
- [SB 746](#) - Allowing Board of Education to delegate its Medicaid provider status to public charter schools
- [SB 810](#) - Requirements for administration of anesthesia
- [SB 833](#) - Prior auth gold card process
- [HB 2129](#) - Creating the Parents Bill of Rights
- [HB 2152](#) - Prompt Payment Act of 2025
- [HB 2172](#) - Relating to adding an athletic trainer to the Board of Physical Therapy
- [HB 2347](#) – Dealing with involuntary hospitalization and substance use disorder

- [HB 2354](#) - Banning certain products from food in West Virginia
- [HB 2358](#) - Relating to postmortem examinations
- [HB 2402](#) - Access to a minor's medical record
- [HB 2441](#) - To make those who fail drug test ineligible for unemployment
- [HB 2575](#) - Relating to the establishment of a full-time Dementia Services Director position
- [HB 2797](#) - Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers' compensation
- [HB 3014](#) - Hospital Police Force Liability Protection
- [HB 3277](#) - Relating to defining terms for the West Virginia Hospital Finance Authority Act
- [HB 3313](#) - Providing more opportunities for high school students in community college
- [HB 3434](#) - Controlled substance schedule clean-up
- [HB 3444](#) - Relating to inflammation of the eyes of newborns

### Sampling of bills of note -*did not advance this session*

Various legislation mentioned in our Legislative Updates failed to progress during the Regular Session. Below is a compilation of these bills. If you have any questions, please contact [me](#).

- [SB 167](#) - Permitting care of patient by telemedicine across state line
- [SB 482](#) – Certified Professional Midwife Licensing
- [SB 515](#) - Involuntary hospitalization for substance use
- [SB 517](#) – Reporting injuries and side effects from vaccines
- [SB 557](#) - Relating to licensing by WV Board of Medicine
- [SB 594](#) - Right to try individualized treatments
- [SB 632](#) - Relating to surprise billing of out-of-network ambulance services
- [SB 655](#) - Immunity for mental health providers involved in mental hygiene checks
- [SB 719](#) - Relating to age minor can consent to medical decisions/services
- [SB 723](#) - Relating to clinical inpatient medical treatment centers for substance use disorder
- [SB 726](#) - Relating to medication-assisted treatment programs
- [SB 761](#) – Involuntary hospitalization of a dependent or spouse experiencing substance use disorder (*provisions are included in HB 2347 which completed legislative action*)
- [SB 917](#) - Limiting civil liability for academic medical centers and teaching hospitals
- [SB 921](#) – Creating WV Medical Services Oversight and Support Act
- [SB 925](#) – Creating needs-based assessment for EMS
- [SB 939](#) – Relating to testing for substance use disorder
- [HB 2166](#) –Behavioral Health Workforce Education initiative
- [HB 2174](#)– Licensure of Birthing Centers
- [HB 2349](#) - LARC to patients receiving methadone and suboxone
- [HB 2370](#) – Mental health professionals making application for involuntary hospitalization
- [HB 2410](#) - Safeguard the Right-To-Try Cutting-Edge Medicine Act
- [HB 2473](#) – MCO Tax
- [HB 2704](#) – Reimbursement/transportation process for post mental health involuntary commitment
- [HB 3067](#) and [HB 3087](#) – Prohibiting white bagging
- [HB 3092](#) - Relating to financial assistance available for a prescription drug
- [HB 3150](#) - Health Science and Medical Student Loan Programs
- [HB 3452](#)- Advanced Career Education (ACE) classes

## State Budget FY 2026

The Legislature approved the Fiscal Year (FY) 2026 Budget Bill ([HB 2026](#)) and various supplemental appropriations to support state agency spending. The budget bill sets the general revenue budget for FY 2026 beginning July 1, 2025, at \$5.317 billion. Governor Morrisey initially proposed a \$5.323 billion budget. The 2026 approved budget includes more than \$4.3 billion in federal funding for Medicaid with \$490 million of state funding being supplied through the health care provider tax. The budget bill includes \$33 million to a personal income tax reserve fund that was established as West Virginia moves toward decreasing the tax load on citizens. The budget also includes priorities for up to \$210 million in surplus spending if more money is available at the end of the next fiscal year, including \$125 million for the Division of Highways, \$10 million to the water development authority and more. The WVHA Legislative Team is continuing to evaluate the budget including the status of the Medicaid program and any associated line-items of importance to hospitals and health care.

The WVHA Legislative Team will be producing a Summary of key bills passed by the Legislature in the coming days and weeks ahead. Also, we will be featuring the highlights of the 2025 Regular Session during a special WVHA sponsored webinar on Thu. May 1<sup>st</sup> beginning at Noon. If you have questions about connecting to the webinar, please contact [me](#) or [Kathy Watts](#). Thanks.

Tony