

WV 79th LEGISLATURE
Adopted Legislation That May Impact Older West Virginians
As Of June 4, 2009

NOTE: To review a complete listing of bills passed by both chambers, simply click on the following site.

http://www.legis.state.wv.us/Bill_Status/Bills_all_pass.cfm?year=2009&sessiontype=rs&bttype=bill

SENATE BILLS

SB 195	Authorizing DHHR to promulgate legislative rules.
Purpose	Access to the rule bill is available through the Secretary of State's Rule Making Office – Rule number 64-02 Medical Adult Day Care
Sponsors	Minard, Fanning, Prezioso, Unger, Boley, Facemyer
Status	>Committee Substitute >Effective from passage >Signed by Governor 05-08

SB 278	Creating felony offense of willful failure to provide certain drug benefits
Purpose	This bill makes the willful failure to provide benefits under a discount medical plan or a discount prescription drug plan a felony and deletes provisions that currently allow for a misdemeanor if the value is less than \$1,000. The bill amends current code.
Sponsors	Minard
Status	>Committee Substitute >Effective July 10, 2009 >Signed by Governor 05-07

SB 321	Modifying certificate of need process (IB)
Purpose	This bill raises the expenditure threshold, eliminates lithotripsy, and amends the fee structure of the Health Care Authority CON process. The bill also exempts some activities as being required for a CON and is the result of interim committee recommendations. The bill amends current code.
Sponsors	Prezioso, Foster, Jenkins, Stollings
Status	>Committee Substitute >Effective July 2, 2009 >Signed by Governor 04-13

SB 322	Exempting certain life insurance policies from Medicaid assignment
Purpose	This bill exempts life insurance policies with a death benefit of \$25,000 or less from assignment by Medicaid recipients. The bill amends current code.
Sponsors	Oliverio, Chafin
Status	>Effective July 10, 2009 >Signed by Governor 05-08

SB 344	Authorizing mental hygiene commissioners sign readmission orders
Purpose	This bill allows a mental hygiene commissioner to readmit a patient based on the original commitment and the patient's current condition without recreating the entire commitment process. The bill amends current code.
Sponsors	Kessler
Status	>Effective July 10, 2009 >Signed by Governor 05-08

SB 405	Relating to grandparents rights
Purpose	This bill requires petitions for grandparent visitation to be filed in family court in those instances when the child or parents are actively involved in settling disputes in family court. In those instances where no pending proceeding is occurring, a grandparent may file in either family or circuit court. The bill amends current code.
Sponsors	Kessler
Status	>Committee Substitute >Effective July 7, 2009 >Signed by Governor 04-30

SB 408	Relating to model health plan for uninsurable individuals
Purpose	This bill permits the Insurance Commissioner to waive the twelve month waiting period for health care coverage under the State's high risk insurance plan and to use surplus funds to subsidize premiums for certain low income people. The bill amends current code and adds a new section
Sponsors	Minard
Status	>Committee Substitute >Effective July 8, 2009 >Signed by Governor 05-08

SB 414	Relating to health care delivery system, Governor's Office of Health Enhancement, Pharmaceutical Cost Management and Medical Homes
Purpose	This bill is a committee substitute of a committee substitute and merges key parts of SB 412 (Governor's Office of Health Enhancement), SB 573 (Pharmaceutical Cost Management Council) and the original SB 414 (Pilot projects for medical homes) establishes three types of pilot projects that require a collaborative team approach to providing all aspects of health care through the establishment of patient centered medical homes, and provides for coordination of state agencies, boards and commissions. The bill amends current code and adds new sections.
Sponsors	Prezioso, Foster, Jenkins, Stollings, Caruth
Status	>Committee Substitute >Awaiting Governor's signature

SB 434	Relating to long term care policy insurance agent
Purpose	This bill requires all qualified providers of long term care insurance to minimally have eight hours of training prior to selling this type of insurance, in addition to other mandatory training. The bill adds a new article to state code.
Sponsors	Minard
Status	>House amendment >Effective July 1 >Signed by Governor 05-08

SB 451	Relating to crime victims compensation fund
Purpose	This bill changes the fund to include injuries outside of the U.S., increases relocation costs, allows for medical transportation payments, increases potential claims to \$35,000 and removes prohibitions against voluntary intoxication of a victim from being a defense against the estate of a deceased victim. The bill amends current code.
Sponsors	Kessler, Snyder
Status	>Committee Substitute >Effective July 1, 2009 >Signed by Governor 05-07

SB 515	Creating uniform adult guardianship and protective proceedings jurisdiction act
Purpose	This bill provides for the above for the purpose of developing a standardized approach to guardianship and protective proceedings that cross state boundaries. The bill adds several new sections/articles.
Sponsors	Jenkins, Foster, Minard, Stollings, Wells, Caruth, Sypolt, Kessler
Status	>Effective July 10, 2009 >Signed by Governor 05-07

SB 552	Relating to affordable health insurance plan proposals
Purpose	This bill repeals provisions on limited benefit plans and creates a new program that allows insurance companies to submit new plans, both individual and group, for approval by the insurance commissioner. The bill amends current code.
Sponsors	Minard
Status	>Committee Substitute >Effective April 11, 2009 >Signed by Governor 04-16

SB 632	Requiring insurers share certain information with the WV Bureau of Medical Services
Purpose	This bill requires permits the Bureau of Medical Services to review the records of any third party, including insurers, whose client is receiving assistance through BMS. The bill has been rewritten.
Sponsors	Prezioso
Status	>Effective July 7, 2009 >Signed by Governor 05-08

SB 669	Extending Preventative Care Pilot Program
Purpose	This bill expands the pilot program, under the auspices of the Health Care Authority and the Insurance Commissioner, for an additional two years. The bill amends current code.
Sponsors	Kessler, Yost, Stollings, Unger, Wells
Status	>Effective July 8, 2009 >Signed by Governor 05-08

SB 687	Extending the Comprehensive Behavioral Health Commission expiration date
Purpose	This bill extends this commission until January 31, 2011. The bill amends current code.
Sponsors	Prezioso, Stollings, Foster, Plymale, Unger, Kessler
Status	>Committee Substitute >Effective April 11, 2009 >Signed by Governor 05-07

SB 724	Relating to health care provider tax
Purpose	This bill defines physician services and activities to better clarify the provider tax. The bill amends current code.
Sponsors	Helmick, McCabe, Plymale, Kessler
Status	>Committee Substitute >Effective July 10, 2009 >Signed by Governor 05-12

SB 767	Relating to certain Medicaid program contracts.
Purpose	This bill allows the Bureau of Medical Services to wavier competitive bidding for certain contracts, authorizes Medical Services to hire consultants, sets up procedures for competitive bids and increases the number of advisory council members by two. The bill further identifies the WV Directors of Senior and Community Services to be a potential member. The bill amends current code.
Sponsors	Snyder, Browning, Foster, Minard, Palumbo, Sypolt, White, Williams
Status	>Committee Substitute >Effective April 11, 2009 >Signed by the Governor 05-06

HOUSE BILLS

HB 2010	Budget Bill
Purpose	Self-explanatory
Sponsors	Thompson, Armstead, Governor's Bill
Status	>Awaiting Governor's signature >Effective July 1, 2009

HB 2504	Establishing the Silver Alert Plan
Purpose	This bill establishes the Silver Alert for the purpose of soliciting input from the public in an effort to find a missing person that is cognitively impaired. The bill amends current code.
Sponsors	Williams, Boggs, Argento, D Poling, Pethtel, Marshall, Butcher, Ennis, Rowan, Manypenny
Status	>Committee Substitute >Effective July 9, 2009 >Signed by Governor 04-24

HB 2535	Creating a tax credit for certain solar energy systems
Purpose	This bill permits a tax credit to a residential home of up to 30% of the cost to purchase and install the system up to a maximum of \$2,000. The bill adds a new section to state code.
Sponsors	Wooton
Status	>Awaiting Governor's signature

HB 2566	Expanding applicability of increased penalties for crimes against protected persons
Purpose	This bill includes all government employees and health care workers contracted to provide service for increased penalties for malicious assault, unlawful assault and battery. The bill amends current code.
Sponsors	Mahan, Brown, Eldridge, Ennis, Fragale, Longstreth, Ashley, Rowan, Schadler
Status	>Committee Substitute >Effective July 10, 2009 >Signed by Governor 05-04

HB 2660	Expanding the definition of limited health care service
Purpose	This bill expands the definition of prepaid health services to include dental, vision, podiatric, pharmaceutical and other services as determined by the Commissioner of Insurance. The bill amends current code.
Sponsors	Perry, Shook, Moore, Reynolds
Status	>Committee Substitute >Effective July 10, 2009 >Signed by Governor 05-04

HB 2788	Protecting incapacitated persons and the elderly
Purpose	This bill more clearly defines the offense of abuse and neglect of incapacitated adults or elder persons which result in the death of such persons, to include the offense of murder. The bill amends current code and adds new sections.
Sponsors	Perry, Staggers, Williams, Ennis, Talbott, Perdue, Frazier, Fragale, Miley, Caputo
Status	>Committee Substitute >Effective July 10, 2009 >Signed by Governor 05-07

HB 2839	Relating to the management of pain by physicians
Purpose	This bill changes the definition of intractable pain to mean pain, an unpleasant sensory and emotional experience associated with actual or potential tissue damage. The wording was changed to conform with definitions utilized by the Board of Medicine, Board of Osteopathy and the Federation of State Medical Boards. The bill amends current code.
Sponsors	Perdue, Boggs, Hatfield, Border, Moore, Moye, Rodighiero
Status	>Committee Substitute >Effective July 7, 2009 >Signed by Governor 04-30-09

HB 2884	Long Term Care Partnership Program
Purpose	This bill establishes a Medicaid asset sit-aside for individuals to purchase long term care insurance in a dollar for dollar exchange. The bill amends current code
Sponsors	Campbell, Border, Perdue, Webster, White
Status	>Effective July 10, 2009 >Signed by Governor 05-07

HB 2885	Establishing a uniform credentialing form and creating a single credentialing verification organization
Purpose	This bill provides for no more than three credentialing verification organizations in an effort to reduce administrative costs of the various health care providers that participate in a credentialing process. The bill amends current code.
Sponsors	Perdue, Hatfield, Marshall, Michael, Moore, Rodighiero, Border
Status	>Committee Substitute >Effective July 10, 2009 >Signed by Governor 05-11

HB 2913	Relating to the Statewide Independent Living Council
Purpose	This bill clarifies that council members of the WV Independent Living Council are appointed by the Governor and are subject to term limits, in order to comply with federal law. The bill amends current code.
Sponsors	Williams, Ennis, Pethel, Morgan, Stephens
Status	>Effective April 10, 2009 >Signed by Governor 05-06

HB 3017	Exempting from the consumers sales and service tax and use tax any sales of donated clothing or clothing accessories
Purpose	This bill allows tax exempt organizations that sale donated clothing to consumers to not have to pay tax provide revenue is used to tax exempt purposes. The bill adds a new section.
Sponsors	Campbell, Canterbury
Status	>Committee Substitute >Effective July 9, 2009 >Signed by Governor 05-06

HB 3170	Clarifying the filling and review of the periodic accountings of conservators of incapacitated protected persons
Purpose	This bill clarifies the procedures required when filing and review of the periodic accounting of a conservator of incapacitated persons. The bill amends current code.
Sponsors	Webster, Wooton, Shook, Fleischauer, Miler, Manchin, Ellem, Frazier, Lane, Shott
Status	>Senate amendment >Awaiting Governor's signature

HB 3288	Relating to mental health parity
Purpose	This bill complies with federal law in regard to actual cost increases determine whether cost containment measures are applicable, and the bill removes certain provisions regarding small groups. The bill amends current code.
Sponsors	Perry, Shaver, Ashley, Moore
Status	>Committee Substitute >Awaiting Governor's signature

RESOLUTIONS

HR 08	Creating a Select Committee on Federal Stimulus Utilization
Purpose	This bill creates the above during the entire 79 th Legislature (2009 & 2010) to review, evaluate and recommend action relating to any stimulus funding authorized by the US Congress.
Sponsors	Speaker Thompson
Status	>Adopted by the legislature >02-17

HR 15	Recognizing the importance of health care reform in WV
Purpose	Self explanatory
Sponsors	Speaker Thompson, Perdue, Anderson, Andes, Argento, Azinger, Beach, Blair, Boggs, Border, Brown, Campbell, Cann, Canterbury, Caputo, Cowles, Craig, Crosier, Doyle, Duke, Eldridge, Ellem, Ennis, Evans, Ferro, Fleischauer, Fragale, Frazier, Givens, Guthrie, Hall, Hamilton, Hatfield, Hunt, Hutchins, Iaquina, Ireland, Klempa, Kominar, Lawrence, Louisos, Mahan, Manchin, Manypenny, Marshall, Martin, Michael, Miley, C Miller, Moore, Morgan, Moye, Overington, Paxton, Perry, Pethel, Phillips, D Poling, M Poling, Porter, Reynolds, Rodighiero, Romine, Ross, Rowan, Schadler, Shaver, Shook, Shott, Skaff, Spencer, Staggers, Stephens, Stowers, Sumner, Susman, Swartzmiller, Tabb, Varner, Walker, Webster, Wells, while, Williams, Wooton.
Status	>Adopted by the legislature >02-24

HR 38	Urging the Bureau for Medical Services to consider increasing reimbursement rates for the Medicaid personal Care program
Purpose	Self explanatory
Sponsors	Originating in the Senior Issues Committee
Status	>Adopted by the legislature >03-25

2009 INTERIM STUDIES

HCR 05	Requesting the Joint Committee on government and Finance to study the safety issues of those who provide home visits to families in West Virginia.
Status	>To the Select Committee on Health

HCR 91	Requesting the Joint Committee on Government and Finance to conduct study on establishing a program to permit medicine aids who are certified to administer certain drugs
Status	To the Select Committee on Health

Upcoming Interim Committee Meeting Dates

June 15 – June 17, 2009:	Monday, Tuesday & Wednesday
July 14 – July 16, 2009:	Tuesday, Wednesday, & Thursday
August 10 – August 10, 2000:	Monday, Tuesday & Wednesday
September 14 – September 16, 009:	Monday, Tuesday & Wednesday
October 13 – October 15, 2009:	Tuesday, Wednesday & Thursday
November 17 – November 19, 2009:	Tuesday, Wednesday & Thursday
December 7 – December 9, 2009:	Monday, Tuesday & Wednesday
January 10 – January 12, 2010:	Sunday, Monday & Wednesday

Regular Legislative Session: Starts January 13, 2010