

PUBLIC NOTICE

WEST VIRGINIA MEDICAID PROGRAM

REGARDING: WEST VIRGINIA CONSTITUTIONAL AMENDMENT 1

INITIALLY ISSUED: NOVEMBER 9, 2018

AMENDED: NOVEMBER 13, 2018

On November 6, 2018 West Virginia voters ratified West Virginia Constitutional Amendment 1, which states: "Nothing in this Constitution secures or protects a right to abortion or requires funding of abortion." This amendment in turn abrogated the holding by the West Virginia Supreme Court in *Women's Health Center of West Virginia, Inc. v. Panepinto* (1993) that West Virginia Code §9-2-11, which limits Medicaid funds paying for pregnancy terminations to several limited circumstances, is unconstitutional.

As a result of the ratification of this Constitutional Amendment as described above, **effective November 6, 2018 at 7:30 PM**, the West Virginia Bureau for Medical Services will only reimburse providers for pregnancy terminations in the following three circumstances, consistent with W. Va. Code §9-2-11:

- (1) If, on the basis of the physician's best clinical judgment, there is a medical emergency that so complicates a pregnancy as to necessitate an immediate abortion to avert the death of the mother or for which a delay will create grave peril of irreversible loss of major bodily function or an equivalent injury to the mother: Provided, That an independent physician concurs with the physician's clinical judgment;
- (2) If, on the basis of the physician's best clinical judgment, there is clear clinical medical evidence that the fetus has severe congenital defects or terminal disease or is not expected to be delivered; or
- (3) If the individual is a victim of incest or the individual is a victim of rape when the rape is reported to a law-enforcement agency.

If there are any questions, please contact the West Virginia Bureau for Medical Services at (304) 558-1700.