



STATE OF WEST VIRGINIA
DEPARTMENT OF HUMAN SERVICES

Alex J. Mayer, PhD, MS, PMP
Cabinet Secretary

MEMORANDUM

DATE: December 16, 2025
TO: Drug Screening/Testing Providers
FROM: West Virginia Department of Human Services
RE: Updated Guidance Regarding Senate Bill 128
Payment for Preliminary and Confirmatory Drug Testing in Child Welfare Proceedings

The West Virginia Department of Human Services (“DoHS”) is issuing this memorandum to supplement prior communications regarding billing procedures for drug screening and testing services in child welfare proceedings, following the passage of Senate Bill 128 (effective on July 11, 2025).

Recent guidance was issued to ensure billing practices fully align with W. Va. Code §49-4-108. DoHS appreciates the feedback and questions many of you have shared in recent weeks. We recognize the challenges this transition has created and have carefully considered the concerns raised.

After a thorough review of input received from countless conversations with providers, prosecutors, judges, members of the Legislature, and others, the DoHS is announcing that, effective immediately, an additional **\$25 BSS Service Fee** may be billed for all presumptive tests. This is to assist providers performing this service to cover the overhead cost associated with performing these presumptive tests in child welfare proceedings. This fee applies **only** to the presumptive tests and does **not** apply to confirmatory tests. As previously communicated, “collection fees” and “device fees” are not reimbursable under Medicaid and may not be billed to the DoHS. Any such charges will continue to be subtracted from the total allowable charges at the approved Medicaid rates.

Furthermore, confirmatory testing shall **only** be conducted if the presumptive test is documented **positive**; provided, however, the Court may order confirmatory testing even when the presumptive test results are negative, based upon the Court’s recognition of other concerning behavior at the present time that makes such testing necessary. If a confirmatory test is performed following a negative presumptive test, without a Court Order documenting said concerning behavior, the associated charges will be deducted from the total allowable charges.

An updated billing invoice is attached that incorporates the new \$25 BSS Service Fee for eligible services. For convenience and to simplify submission, the approved Medicaid rates for CPT



Codes 80305 (\$12.60); 80306 (\$17.14) and 80307 (\$62.14) have been combined with the additional \$25 BSS Service Fee into a single rate column rather than requiring separate columns. However, please note these are still separate charges. As a reminder, even providers who are not enrolled Medicaid providers must use the correct CPT Codes and approved rates when submitting invoices.

DoHS is developing training for all providers to ensure a clear and consistent understanding of the implementation process, expectations, and requirements associated with this change. This training will be available soon.

We believe the addition of this immediate, non-retroactive, implementation of the \$25 BSS Service Fee appropriately addresses the concerns that have been brought to our attention while remaining in compliance with state law. DoHS is committed to keeping lines of communication open and will provide further updates as developments warrant. Thank you for your continued collaboration so we can all continue to best serve the families of West Virginia.

