

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 3337

By Delegates Heckert, Fehrenbacher, Cooper,

Foggin, Hott, Criss, Hanshaw (Mr. Speaker),

Rohrbach, Petitto, A. Hall and Anderson

[Originating in the Committee on Health and Human

Resources; Reported on February 16, 2023]

1 A BILL to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating
2 to prohibiting a certificate of need; prohibiting additional drug and alcohol treatment
3 facilities and services in certain counties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-9. Health services that cannot be developed.

1 Notwithstanding §16-2D-8 and §16-2D-11 of this code, these health services require a
2 certificate of need but the authority may not issue a certificate of need to:

3 (1) A health care facility adding intermediate care or skilled nursing beds to its current
4 licensed bed complement, except as provided in §16-2D-11(c)(23) of this code;

5 (2) A person developing, constructing, or replacing a skilled nursing facility except in the
6 case of facilities designed to replace existing beds in existing facilities that may soon be deemed
7 unsafe or facilities utilizing existing licensed beds from existing facilities which are designed to
8 meet the changing health care delivery system; and

9 (3) Add beds in an intermediate care facility for individuals with an intellectual disability,
10 except that prohibition does not apply to an intermediate care facility for individuals with intellectual
11 disabilities beds approved under the Kanawha County circuit court order of August 3, 1989, civil
12 action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.V. 248, 284 S.E. 2d 232
13 (1981) including the 24 beds provided in §16-2D-8(b)(24) of this code; and

14 (4) An opioid treatment program; and

15 (5) Add licensed substance abuse treatment beds in any county which already has greater
16 than 250 licensed substance abuse treatment beds: *Provided*, That this provision does not apply
17 to the addition of licensed substance abuse treatment beds, when the facility, or other building to
18 be converted to a facility, has been purchased for such purpose prior February 1, 2023.