

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 350**

BY SENATORS COLE (MR. PRESIDENT) AND KESSLER

(BY REQUEST OF THE EXECUTIVE)

[Introduced January 21, 2016;

Referred to the Committee on Health and Human  
Resources.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §16-2D-4c, relating to exempting community-based behavioral health  
 3 facilities, programs or services from the certificate of need process; and defining  
 4 “community-based”.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §16-2D-4c, to read as follows:

**ARTICLE 2D. CERTIFICATE OF NEED.**

**§16-2D-4c. Certificate of need; exemption for community-based behavioral health facilities,  
 programs or services.**

1 (a) Notwithstanding any provision of this article, rules proposed or promulgated by the  
 2 state agency, and section one hundred twenty-four, article two, chapter forty-nine of this code, a  
 3 certificate of need is not required for any community-based behavioral health care facilities,  
 4 programs or services, including any modification, expansion or substantial change to any existing  
 5 community-based behavioral health care facilities, programs or services.

6 (b) For purposes of this section, the term “community-based” means a nonresidential  
 7 facility, program or service located near the behavioral health patient’s home or family and  
 8 involving community participation in planning, operation and evaluation and which may include,  
 9 but is not limited to, medical, educational, vocational, social and psychological guidance, training,  
 10 special education, counseling, substance abuse and any other treatment or rehabilitation  
 11 services.

NOTE: The purpose of this bill is to exempt from the certificate of need process contained in W.Va. Code 16-2D-1 et seq., community-based behavioral health care facilities, programs or services, as well as the modification, expansion, or substantial change to any existing community-based behavioral health care facilities, programs or services, as well as defining the term “community-based” for the purposes of this section.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.