

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4352

BY DELEGATES E. NELSON, ELLINGTON, SUMMERS,

WAXMAN AND LANE

[Introduced February 2, 2016; Referred
to the Committee on Health and Human Resources
then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §9-5-24, relating to the selling of certain state owned health care facilities by
 3 the Secretary of the Department of Health and Human Resources; requiring the secretary
 4 to submit a plan for the divestures to the Governor and Joint Committee on Government
 5 and Finance by November 30, 2016; creating in the State Treasury a special revenue
 6 account to be known as the “Health Care Facilities Liquidation Fund”; requiring the
 7 secretary to prepare an accounting of all such assets, and providing that expenditures
 8 from the fund are not authorized from collections deposited in the fund but are to be made
 9 only in accordance with appropriation by the Legislature.

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 §9-5-24, to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-24. Selling of state owned health care facilities.

1 (a) The Secretary of the Department of Health and Human Resources shall divest of the
 2 facilities; land; buildings and improvements; contents; employment, patient and contractual
 3 interests; licenses; and all other assets excluding any cash, cash equivalents and marketable
 4 securities of Hopemont Hospital, Jackie Withrow Hospital, John Manchin Sr. Health Center and
 5 Lakin Hospital, providing for all licensed beds to be sold by July 1, 2017.

6 (b) The secretary shall contract with a consultant and prepare a plan to sell the facilities
 7 listed in subsection (a) and submit the plan to the Governor and Joint Committee on Government
 8 and Finance by November 30, 2016.

9 (c) The plan shall include:

10 (1) A time table with objectives;

11 (2) Strategies to minimize effects on state and contract employees;

12 (3) Strategies to minimize effects on long term care facility residents;

- 13 (4) Feedback from relevant internal and external stakeholders;
14 (5) Identification of barriers the secretary may encounter; and
15 (6) Strategies to produce the most revenue from the sale, including strategies to sell
16 licensed beds and provide purchase options, lease options or separate sale of buildings, land,
17 chattel and equipment.
- 18 (d) The plan is contingent upon approval by the Joint Committee on Government and
19 Finance.
- 20 (e) The secretary shall provide updates to the Joint Committee on Government and
21 Finance on implementation of the plan.
- 22 (f) This section is not subject to the purchasing requirements of article three, chapter five-
23 a of this code.
- 24 (g) Sells and transfers under this section are exempt from certificate of need requirements
25 provided in article two-d, chapter sixteen of this code;
- 26 (h) The Director of the Division of Personnel shall create a plan and coordinate with the
27 secretary to create strategy to minimize the effects employees.
- 28 (i) The secretary shall prepare a complete accounting of all assets to the Joint Committee
29 on Government and Finance. At a minimum, the secretary shall track the location and the revenue
30 from selling the skilled nursing home bed and share that information with the Health Care
31 Authority.
- 32 (j) There is hereby created in the State Treasury a special revenue account to be known
33 as the "Health Care Facilities Liquidation Fund." The fund shall consist of appropriations to
34 effectuate the purposes of this section and any revenue or sales proceeds derived from activities
35 provided for in accordance with this section. Expenditures from the fund are for the purposes set
36 forth in this section and are not authorized from collections but are to be made only in accordance
37 with appropriation by the Legislature and in accordance with the provisions of article three,

38 chapter twelve of this code.

39 (k) This section shall be construed broadly as to provide the secretary with the latitude to

40 accomplish the goals of this section.

NOTE: The purpose of this bill is to authorize the selling of certain state owned health care facilities by the Secretary of the Department of Health and Human Resources. The bill requires the secretary to submit a plan for the divestures to the Governor and Joint Committee on Government and Finance by November 30, 2016. It creates in the State Treasury a special revenue account to be known as the "Health Care Facilities Liquidation Fund". It requires the secretary to prepare an accounting of all such assets. And the bill provides that expenditures from the fund are not authorized from collections deposited in the fund but are to be made only in accordance with appropriation by the Legislature.

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