

**WEST VIRGINIA LEGISLATURE**  
**2017 FIRST EXTRAORDINARY SESSION**

**Introduced**

**Senate Bill 1011**

**FISCAL  
NOTE**

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

[BY REQUEST OF THE EXECUTIVE]

[Introduced May 24, 2017; 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 §9-5-26, relating to the selling of a certain state-owned health care facility and  
3 appurtenances by the Secretary of the Department of Health and Human Resources;  
4 ensuring the transfer of existing patients and the construction of a replacement facility;  
5 exempting certain laws; creating a fund; implementing a benefits package for employees;  
6 and providing statutory construction.

*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 §9-5-26, to read as follows:

#### **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

##### **§9-5-26. Selling of Hopemont Hospital.**

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 the long-term care facility known as the Hopemont Hospital.

5 (b) The secretary shall ensure that the patients are transferred to an area facility and shall  
6 minimize effects on long-term care facility residents, including any potential risk that could arise  
7 from relocating current residents, and shall provide updates to the Joint Committee on  
8 Government and Finance and the Legislative Oversight Commission on Health and Human  
9 Resources Accountability, pursuant to state law.

10 (c) The secretary shall assure that a replacement facility of at least sixty beds be  
11 constructed to accommodate the needs of the patient population at Hopemont and be operated  
12 as a geriatric psychiatric nursing home accepting only individuals with high acuity needs such as  
13 geri-psych, behavioral symptoms, Alzheimer's, Intellectual and Developmental Disabilities, and  
14 patients with criminal histories who do not present a danger to staff or other residents.

15 (d) This section is not subject to the purchasing requirements of article three, chapter five-

16 a of this code.

17 (e) Sales and transfers under this section are exempt from certificate of need requirements  
18 provided in article two-d, chapter sixteen of this code.

19 (f) Sales and transfers under this section are exempt from Medicaid rules and policies.

20 (g) The secretary, in consultation with the Director of the Division of Personnel, shall create  
21 a plan and coordinate with the secretary to create a strategy to minimize the effects on employees.

22 (h) The department, in consultation with the Division of Personnel, the Consolidated Public  
23 Retirement Board, and any other state agency as applicable, shall prepare a benefit package for  
24 employees of Hopemont Hospital who are laid off, employed by a successor company or retire  
25 as a result of the divestment. Such benefits may include, but are not limited to, investment in  
26 retraining, placement on the Division of Personnel's reemployment list with preference, the  
27 purchase of actuarially sound years of service based on prior years of service with Hopemont  
28 Hospital or its predecessors, or any other benefits otherwise permitted under state law. The  
29 Division of Personnel, the Consolidated Public Retirement Board and any other necessary state  
30 agency shall cooperate and take any such action as necessary to implement such benefit  
31 package. Benefits packages as described in this subsection may be funded by the Hopemont  
32 Long-Term Care Facility Development Fund. As used in this subsection "successor company"  
33 means any company who purchases any of the assets as described in subsection (a) of this  
34 section: *Provided*, That no provision of this subsection may be construed to require any further  
35 appropriation by the Legislature: *Provided, however*, that the Department of Health and Human  
36 Resources shall enter into memoranda of understanding with the Division of Personnel, the  
37 Consolidated Public Retirement Board, and the Public Employees Insurance Agency prior to  
38 implementation of any benefit package with any employee which must state any cost to any  
39 affected retirement system and that this cost is to be paid by the Department of Health and Human  
40 Resources. No benefit package may be granted unless memoranda of understanding are filed  
41 with the Division of Personnel, the Consolidated Public Retirement Board, and the Public

42 Employees Insurance Agency, and the agreement of the Department of Health and Human  
43 Resources to pay the same by a date certain, or if there is not cost, the agreement of the parties  
44 to the same. Any benefit package granted without such memoranda of understanding is unlawful.

45 (i) The secretary shall prepare a complete accounting of all assets to the Joint Committee  
46 on Government and Finance.

47 (j) There is created in the State Treasury a special revenue account to be known as the  
48 “Hopemont Long-Term Care Facility Development Fund” The fund shall consist of appropriations  
49 to effectuate the purposes of this section and any revenue or sales proceeds derived from  
50 activities provided for in accordance with this section. Expenditures from the fund are for the  
51 purposes set forth in this section and are not authorized from collections but are to be made only  
52 in accordance with appropriation by the Legislature and in accordance with the provisions of  
53 article three, chapter twelve of this code.

54 (k) This section shall be construed broadly as to provide the secretary with the latitude to  
55 accomplish the goals of this section.

NOTE: The purpose of this bill is to require the selling of Hopemont Hospital by the Secretary of the Department of Health and Human Resources.

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