

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2428

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HIGGINBOTHAM, AMBLER, HOLLEN, WAGNER, WARD,
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[Originating in the Committee on Finance;

March 24, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §16-53-1 and §16-53-2, all relating to ensuring that an additional six hundred
3 beds for purposes of providing substance abuse treatment services are made available in
4 locations throughout the state; providing duties of the Secretary of the Department of
5 Health and Human Resources; creating the Ryan Brown Addiction Prevention and
6 Recovery Fund; and directing the transfer of money recovered on behalf of the state
7 arising out of the settlement of a certain civil action.

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 article, designated §16-53-1 and §16-53-2, all to read as follows:

**ARTICLE 53. ESTABLISHING ADDITIONAL SUBSTANCE ABUSE TREATMENT
FACILITIES.**

§16-53-1. Establishment of substance abuse treatment facilities.

1 (a) The Secretary of the Department of Health and Human Resources shall ensure that,
2 prior to July 1, 2018, beds for purposes of providing substance abuse treatment services are
3 made available in locations throughout the state which the Bureau for Behavioral Health and
4 Health Facilities determines to be the highest priority for serving the needs of the citizens of the
5 state.

6 (b) The secretary shall identify and provide the beds to privately owned facility to provide
7 substance abuse treatment services.

8 (c) The facility shall:

9 (1) Give preference to West Virginia residents;

10 (2) Accept patients covered by Medicaid;

11 (3) Offer long term treatment, based upon need, of up to one year; and

12 (4) Work closely with the Adult Drug Court Program, provided for in article fifteen, chapter
13 sixty-two of this code.

14 (d) Any facility that is established pursuant to this article must be licensed by this state to
15 provide addiction and substance abuse services.

§16-53-2. Establishing the Ryan Brown Addiction Prevention and Recovery Fund.

1 The Ryan Brown Addiction Prevention and Recovery Fund is hereby created in the state
2 treasury as a special revenue account. The fund shall be administered by the Secretary of Health
3 and Human Resources and shall consist of all moneys made available for the purposes of this
4 article from any source, including, but not limited to, all grants, bequests or transfers from any
5 source, any moneys that may be appropriated and designated for those purposes by the
6 Legislature and all interest or other return earned from investment of the fund. Expenditures from
7 the fund shall be for the purposes set forth in this article and are not authorized from collections
8 but are to be made only in accordance with appropriation by the Legislature and in accordance
9 with the provisions of article three, chapter twelve of this code and upon the fulfillment of the
10 provisions set forth in article two, chapter eleven-b of this code. Upon the effective date of this
11 section, the attorney general and any public official with custody or control of the proceeds
12 recovered for the state pursuant to settlement agreement dated January 9, 2017, in that certain
13 civil action then pending in Boone County, designated Civil Action No. 12-C-141, shall forthwith
14 transfer, or cause the transfer, of those proceeds into the Ryan Brown Addiction Prevention and
15 Recovery Fund in the manner directed by the state treasurer pursuant to articles one and two,
16 chapter twelve of this code and all other applicable law.