

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 423**

BY SENATOR WELD

[Introduced February 23, 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 §9-5-25, relating to operation of licensed group homes; requiring the  
 3 Department of Health and Human Resources to seek a waiver from the Centers for  
 4 Medicare and Medicaid Services for existing group homes in this state; and requiring the  
 5 Department of Health and Human Resources to amend filings with the Centers for  
 6 Medicare and Medicaid Services to allow a greater number of occupants to be served in  
 7 licensed group homes.

*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 §9-5-25, to read as follows:

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-25. Licensed group home person-centered support.**

1 (a) Waiver. -- (1) The Bureau for Medical Services shall seek a waiver from the Centers  
 2 for Medicare and Medicaid Services to continue to allow any licensed group home in West Virginia  
 3 which:

4 (A) Is licensed by the Office of Health and Health Facility Licensure and Certification; and  
 5 (B) Was operational prior to effective date of the provisions of 42 CFR 441.301 requiring  
 6 a limitation on the number of residents which may be served to continue to offer services to all  
 7 current residents regardless of whether the number of residents is greater than that allowed by  
 8 federal regulation or state policy.

9 (2) No licensed group home may allow any new residents to be provided services until  
 10 such time as the census in a licensed group home falls beneath the number allowed by federal  
 11 regulation and state policy.

12 (3) Once the census in a licensed group home falls to a level in compliance with federal  
 13 regulation and state policy, the licensed group home may not offer services to greater than the  
 14 allowable number residents.

15           (b) State Plan Amendment. -- If the waiver request, as set forth in subsection (a) of this  
16 section, is denied, the Bureau for Medical Services shall apply with the Centers for Medicare and  
17 Medicaid Services for a state plan amendment which would allow up to eight residents to be  
18 offered services in group homes licensed by the Office of Health and Health Facility Licensure  
19 and Certification.

NOTE: The purpose of this bill is to allow group homes in West Virginia with greater than four members to continue to offer services to up to eight current residents by seeking either a waiver to allow these services or a state plan amendment.

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