

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4603

BY DELEGATES LANE, PUSHKIN, BYRD,

CAPITO, ROBINSON AND ROWE

[Passed March 10, 2018; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §55-7K-1 and §55-7K-2, relating to providing immunity from civil liability to
3 certain facilities, including their directors, officers, employees, and agents, providing crisis
4 stabilization and/or drug and alcohol detoxification services, substance use disorder
5 services, and/or drug overdose services on a short-term basis; providing an effective date;
6 and providing that the provisions of this article are to operate in addition to, and not in
7 derogation of, any of the provisions contained in the Medical Professional Liability Act.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7K. IMMUNITY FROM CIVIL LIABILITY FOR BEHAVIORAL HEALTH
FACILITIES AND RESIDENTIAL RECOVERY FACILITIES.**

**§55-7K-1. Limiting civil liability for certain behavioral health facilities and residential
recovery facilities providing crisis stabilization services and/or drug and alcohol
detoxification services, substance use disorder services, and/or drug overdose
services on a short-term basis.**

1 Notwithstanding any other provision of this code, no behavioral health facility that is
2 licensed in this state, another state, or operated by the state, or one of its political subdivisions,
3 and no residential recovery facility certified by or meeting the standards of a national certifying
4 body, nor any of their directors, officers, employees, and agents shall be liable for injury or civil
5 damages related to the provision of short-term crisis stabilization and/or drug and alcohol
6 detoxification services, substance use disorder services, drug overdose services, and/or
7 withdrawal services to the extent the injury or damages arise from an individual's refusal of
8 services, election to discontinue services, failure to follow the orders or instructions of a facility,
9 voluntary departure, elopement, or abandonment from a facility, with or without notice to others,
10 so long as the services are offered in good faith, the facility does not require payment from the
11 individual receiving the services, and the injury or damages are not proximately caused by the

12 gross negligence or willful or wanton misconduct of the facility, or its directors, officers,
13 employees, or agents.

§55-7K-2. Applicability of provisions.

1 (a) The provisions of this article are applicable to all causes of action accruing on or after
2 July 1, 2018.

3 (b) The provisions of this article operate in addition to, and not in derogation of, any of the
4 provisions contained in §55-7B-1 *et seq.* of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2018.

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Governor