

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 611

BY SENATORS DRENNAN, BOSO, CLINE, TAKUBO, AND

WOELFEL

[Introduced February 19, 2018; Referred
to the Committee on Health and Human Resources;
and then to the Committee on Government
Organization]

1 A BILL to amend and reenact §27-2A-1 of the Code of West Virginia, 1931, as amended; to amend
 2 and reenact §27-9-1 of said code; and to amend and reenact §27-17-3 of said code, all
 3 relating to licensing of mental health facilities; and providing for the renewal of the license
 4 of a behavioral health center without reapplication or inspection if the behavioral health
 5 center has national accreditation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. MENTAL HEALTH-INTELLECTUAL DISABILITY CENTERS.

**§27-2A-1. Comprehensive community mental health-intellectual disability centers;
 establishment, operation, and location; access to treatment.**

1 (a) The Department of Health and Human Resources is authorized and directed to
 2 establish, maintain, and operate comprehensive community mental health centers and
 3 comprehensive intellectual disability facilities, at locations within the state that are determined by
 4 the secretary in accordance with the state's comprehensive mental health plan and the state's
 5 comprehensive intellectual disability plan. Such facilities may be integrated with a general health
 6 care or other facility or remain separate as the Secretary of the Department of Health and Human
 7 Resources may by rules prescribe: *Provided*, That nothing contained herein may be construed to
 8 allow the Department of Health and Human Resources to assume the operation of comprehensive
 9 regional mental health centers or comprehensive intellectual disability facilities which have been
 10 heretofore established according to law and which, as of the effective date of this article, are being
 11 operated by local nonprofit organizations.

12 (b) Any new mental health centers and comprehensive mental retardation facilities herein
 13 provided may be operated and controlled by the Department of Health and Human Resources or
 14 operated, maintained, and controlled by local nonprofit organizations and licensed according to
 15 rules promulgated by the Secretary of the Department of Health and Human Resources: *Provided*,
 16 That once licensed, a nonprofit, comprehensive community mental health center that has been
 17 accredited by any national accreditation organization recognized by the department shall be

18 deemed sufficiently qualified for renewal of license and receive a renewed license without biennial
19 inspection or submission of any addition form of application apart from production of evidence of
20 the accreditation. All comprehensive regional mental health and intellectual disability facilities
21 licensed in the state shall:

22 (1) Have a written plan for the provision of diagnostic, treatment, supportive, and aftercare
23 services, and written policies and procedures for implementing these services;

24 (2) Have sufficient employees appropriately qualified to provide these services;

25 (3) Maintain accurate medical and other records for all patients receiving services;

26 (4) Render outpatient services in the aftercare of any patient discharged from an inpatient
27 hospital, consistent with the needs of the individual. No person who can be treated as an
28 outpatient at a community mental health center may be admitted involuntarily into a state hospital.

29 (5) Have a chief administrative officer directly responsible to a legally constituted board of
30 directors of a comprehensive mental health or intellectual disability facility operated by a local
31 nonprofit organization, or to the Secretary of the Department of Health and Human Resources if
32 the comprehensive mental health or intellectual disability center or facility is operated by the
33 Department of Health and Human Resources; and

34 (6) Have a written plan for the referral of patients for evaluation and treatment for services
35 not provided.

36 The state's share of costs of operating the facilities may be provided from funds
37 appropriated for this purpose within the budget of the Department of Health and Human
38 Resources. The Secretary of the Department of Health and Human Resources shall administer
39 these funds among all comprehensive mental health and intellectual disability facilities that are
40 required to best provide comprehensive community mental health care and services to the
41 citizens of the state.

42 After July 1, but not later than August 1 of each year, the chief administrative officer of
43 each comprehensive regional mental health center and intellectual disability facility shall submit

44 a report to the Secretary of the Department of Health and Human Resources and to the Legislative
45 Auditor containing a listing of:

- 46 (1) All funds received by the center or facility;
- 47 (2) All funds expended by the center or facility;
- 48 (3) All funds obligated by the center or facility;
- 49 (4) All services provided by the center or facility;
- 50 (5) The number of persons served by the center or facility; and
- 51 (6) Other information as the Secretary of the Department of Health and Human Resources

52 prescribes by regulation.

ARTICLE 9. LICENSING OF HOSPITALS.

§27-9-1. License from director of health; regulations.

1 (a) No hospital, center, or institution, or part of any hospital, center, or institution, to provide
2 inpatient, outpatient, or other service designed to contribute to the care and treatment of the
3 mentally ill or intellectually disabled, or prevention of such disorders, may be established,
4 maintained or operated by any political subdivision or by any person, persons, association, or
5 corporation unless a license therefor is first obtained from the Secretary of the Department of
6 Health and Human Resources. The application for such license shall be accompanied by a plan
7 of the premises to be occupied, and such other data and facts as the secretary may require. The
8 secretary may make such terms and regulations in regard to the conduct of any licensed hospital,
9 center, or institution, or part of any licensed hospital, center, or institution, as he or she thinks
10 proper and necessary. The secretary, or any person authorized by the secretary has authority to
11 investigate and inspect any licensed hospital, center, or institution, or part of any licensed hospital,
12 center, or institution, and the secretary may revoke the license of any hospital, center, or
13 institution, or part of any hospital, center, or institution, for good cause after reasonable notice to
14 the superintendent or other person in charge of the hospital, center, or institution.

15 (b) If a licensed behavioral health center is accredited by a national accreditation

16 organization recognized by the Department of Health and Human Resources, the behavioral
 17 health center shall be deemed sufficiently qualified for renewal of license and receive a renewed
 18 license without biennial inspection or submission of any additional form of application apart from
 19 production of evidence of the accreditation.

ARTICLE 17. GROUP RESIDENTIAL FACILITIES.

§27-17-3. License from director of health; application; regulations; revocation.

1 (a) No group residential facility shall be established, maintained or operated unless a
 2 license therefor shall be first obtained from the director of health, except that a group residential
 3 facility for behaviorally disabled juveniles shall be deemed to satisfy all requirements of this
 4 section by obtaining a license from the commissioner of human services. The application for such
 5 license shall contain such data and facts as the director may require. If a licensed behavioral
 6 health center is accredited by a national accreditation organization recognized by the Department
 7 of Health and Human Resources, the behavioral health center shall be deemed sufficiently
 8 qualified for renewal of license and receive a renewed license without biennial inspection or
 9 submission of any additional form of application apart from production of evidence of the
 10 accreditation. The director may promulgate reasonable regulations for the conduct of such
 11 facilities, including, but not limited to, a statement of the rights of patients in group residential
 12 facilities for the mentally and physically impaired to ensure the adequate care and supervision of
 13 such patients, and shall have the authority to investigate and inspect any such facility, and may
 14 revoke the license of any such facility for good cause after notice and hearing.

15 (b) A group residential home is not required to obtain a license from the director of health.

NOTE: The purpose of this bill is to allow licensed behavioral health centers to receive a renewed license to operate without reapplication for license and without inspection if that behavioral health center is accredited by a national accreditation organization.

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