

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4822**

BY DELEGATE HILL

[Introduced February 11, 2020; Referred to the  
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-5B-5a and §16-5B-6a of the Code of West Virginia, 1931, as  
 2 amended, all relating to the licensure of hospitals; permitting hospitals to use other  
 3 accrediting organizations which have been approved by the Centers for Medicare and  
 4 Medicaid Services for accrediting purposes; clarifying and updating the number of  
 5 consumer representatives on a hospital's board of directors; and transferring certain  
 6 enforcement authority from the Director of Health to the Secretary of Department of Health  
 7 and Human Resources.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.**

**§16-5B-5a. Accreditation reports accepted for periodic license inspections.**

1 Notwithstanding any other provision of this article, a periodic license inspection shall not  
 2 be conducted by the ~~state~~ Department of Health and Human Resources for a hospital if the  
 3 hospital has applied for and received an exemption from that requirement: *Provided*, That no  
 4 exemption granted diminishes the right of the ~~state~~ Department of Health and Human Resources  
 5 to conduct complaint inspections: *Provided, however*, That no exemption granted relieves a  
 6 hospital from compliance with §16-5B-6a of this code.

7 The ~~state~~ Department of Health and Human Resources shall grant an exemption from a  
 8 periodic license inspection during the year following accreditation if a hospital applies by  
 9 submitting evidence of its accreditation by the joint commission on accreditation of health care  
 10 organizations, ~~or the American osteopathic association~~ or any accrediting organization approved  
 11 by the Centers for Medicare and Medicaid Services and submits a complete copy of the  
 12 ~~commission's~~ accrediting organization's accreditation report.

13 If the accreditation of a hospital is for a period longer than one year, the ~~state~~ Department  
 14 of Health and Human Resources may conduct at least one license inspection of the hospital after  
 15 the first year of accreditation and before the accreditation has expired and may conduct additional  
 16 license inspections if needed. Hospitals receiving a three-year accreditation shall conduct annual

17 self-evaluations using the current year accreditation manual for hospitals (AMH) unless the ~~state~~  
 18 Department of Health and Human Resources informs the hospital that the hospital will be  
 19 inspected by the state Department of Health and Human Resources. Hospitals are not required  
 20 to conduct self-evaluations for any calendar year during which they are inspected by the ~~state~~  
 21 Department of Health and Human Resources. These self-evaluations shall be completed and  
 22 placed on file in the hospital by the thirty-first day of March of each year. Hospitals shall make the  
 23 results of the self-evaluation available to the ~~state~~ Department of Health and Human Resources  
 24 if requested.

25 Accreditation reports filed with the ~~state~~ Department of Health and Human Resources shall  
 26 be treated as confidential in accordance with §16-5B-10 of this code.

**§16-5B-6a. Consumer ~~majorities~~ representatives on hospital boards of directors.**

1 (a) The Legislature declares that a crisis in health care costs exists, that one important  
 2 approach to deal with this crisis is to have widespread citizen participation in hospital decision  
 3 making and that many hospitals in West Virginia exclude from their boards important categories  
 4 of consumers, including small businesses, organized labor, elderly persons and lower-income  
 5 consumers. The Legislature further declares that nonprofit hospitals receive such major revenue  
 6 from public sources and are so crucial in health planning and development that it is necessary to  
 7 require consumer representatives on their boards of directors. Therefore, the Legislature  
 8 determines that nonprofit hospitals and hospitals owned by local governments should have  
 9 boards of directors representative of the communities they serve.

10 (b) As used in this section, "applicable hospitals" means all nonprofit hospitals and all  
 11 hospitals owned by a county, city or other political subdivision of the State of West Virginia.

12 (c) At least 40 percent of the boards of directors of applicable hospitals shall ~~on or before~~  
 13 ~~July 1, 1984~~ be composed of ~~an equal portion of~~ consumer representatives from ~~each of the~~  
 14 following four consumer categories: small businesses, organized labor, elderly persons, and  
 15 persons whose income is less than the national median income. When a board of directors has

16 fewer than eight members, it will not be required to be composed of more consumer  
17 representatives than are necessary to achieve 40 percent. The composition of the consumer  
18 representative members of any board of directors must be representative of as many consumer  
19 categories as possible and no representatives in any one consumer category may exceed the  
20 number of consumer representatives in any other category by more than one. Special  
21 consideration shall be made to select women, racial minorities and handicapped persons.

22 (d) The provisions of this section may be enforced by the ~~director of health~~ secretary of  
23 the department, or by any ~~citizen~~ resident, or by any citizen of the county wherein any offending  
24 hospital is located, by the filing of an action at law in the circuit court of such county.

NOTE: The purpose of this bill is to permit hospitals to use other accrediting organizations which have been approved by the Centers for Medicare and Medicaid Services for accrediting purposes. The bill clarifies and updates the number of consumer representatives on a hospital's board of directors. The bill transfers certain enforcement authority from the Director of Health to the Secretary of 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.