

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 805

BY SENATORS MARONEY AND PLYMALE

[Originating in the Committee on Health and Human

Resources; reported February 23, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-5-29a, relating to residential substance use disorder treatment facilities;
3 prohibiting payment to facilities that do not meet certain requirements; requiring licensure;
4 requiring accreditation; requiring the Bureau for Medical Services to make necessary
5 filings; setting forth specific timeframe to obtain licensure and accreditation; requiring
6 residential substance use disorder treatment facility to obtain accreditation within one year
7 of operation; providing provisions for operation at a new site or new ownership; requiring
8 a report; stating licensed treatment beds are subject to specific provisions; providing for
9 rulemaking; and providing a sunset date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-29a. Prohibition against payments to certain residential substance use disorder facilities; Requirement for licensure and accreditation; and rulemaking.

1 (a) Effective January 1, 2026, unless otherwise mandated by federal law or regulation,
2 neither the Bureau for Medical Services, nor any managed care organization contracted to provide
3 services on behalf of the bureau, shall reimburse providers for services rendered on or after
4 January 1, 2026, at a residential substance use disorder treatment facility unless:

5 At the time treatment was rendered, the facility site was actively:

6 (A) Licensed by the West Virginia Office of Health Facility Licensure and Certification; and

7 (B) Accredited by the Commission on Accreditation of Rehabilitation Facilities International

8 (CARF), the Joint Commission, or Det Norske Veritas (DNV) to operate an inpatient facility that
9 provides behavioral health services.

10 (b) No later than October 1, 2025, the Bureau for Medical Services shall make all
11 necessary filings with the Centers for Medicare and Medicaid Services and submit for public
12 comment any changes to its provider manual that are necessary to ensure the ability to enforce
13 the provisions of subsection (a) of this code section.

14 (c) Residential substance use disorder facilities shall obtain both licensure and
15 accreditation by January 1, 2026. Any new residential substance use disorder facility established
16 and operational after the effective date of this section shall comply with the provisions of this
17 section within one year of its start of operations. During the first year of operations, this section
18 shall not apply to the facility so long as the facility is actively seeking accreditation by CARF
19 International, the Joint Commission, or DNV to operate an inpatient facility that provides
20 behavioral health services.

21 (d) Notwithstanding the non-reimbursement dates pursuant to subsection (a) of this
22 section, any facility that is ineligible from applying for the accreditation requirements pursuant to
23 paragraph (a)(1)(B) of this section due to not being in operation at a new site for a sufficient period,
24 or a change in ownership, but otherwise meets all legal requirements and eligibility standards to
25 be reimbursed by the Bureau for Medical Services for residential substance use disorder
26 treatment services after January 1, 2026, shall be provided one year from the commencement of
27 operations at the new site, or operations under new ownership, to become fully accredited.
28 Following the expiration of the one-year period, the facility shall be ineligible for reimbursement
29 from the Bureau for Medical Services for such services until such time as it meets the accreditation
30 standards.

31 (e) All licensed substance abuse treatment beds are subject to the provisions of §16-2D-
32 9(5) of this code.

33 (f) The Office of the Inspector General shall propose or amend a rule for legislative
34 approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the
35 provisions of this section.

36 (g) The Bureau for Medical Services shall prepare a report to the Legislative Oversight
37 Commission on Health and Human Resources Accountability on or before December 31, 2030.
38 That report shall provide data on the effectiveness of the provisions of this section.

39 (h) Effective July 1, 2031, the provisions of this section shall expire and have no further
40 force or effect unless continued by act of the Legislature.