

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **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 time frame to obtain licensure and accreditation; stating  
6 licensed treatment beds are subject to specific provisions; and providing for rulemaking.

*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 (1) 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 CARF International, the Joint Commission, or DNV to operate an in-  
8 patient facility that provides behavioral health services.

9 (b) No later than October 1, 2024, the Bureau for Medical Services shall make all  
10 necessary filings with the Centers for Medicare and Medicaid Services and submit for public  
11 comment any changes to its provider manual that are necessary to ensure the ability to enforce  
12 the provisions of subsection (a) of this section.

13 (c) Within one year of the effective date of this section, the residential substance use  
14 disorder facility shall obtain both licensure and accreditation.

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

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