

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2428

BY DELEGATES KELLY, ANDERSON, CRISS,
HIGGINBOTHAM, AMBLER, HOLLEN, WAGNER, WARD,
C. ROMINE, COOPER AND ATKINSON

[Passed April 8, 2017; in effect from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §16-53-1, §16-53-2 and §16-53-3, all relating to ensuring additional beds for
3 purposes of providing substance abuse treatment; requiring these beds are made
4 available in locations throughout the state; providing duties of the Secretary of the
5 Department of Health and Human Resources; providing for requirements of facilities
6 accepting funds; requiring facilities be appropriately licensed; creating the Ryan Brown
7 Addiction Prevention and Recovery Fund; providing for administration of fund by the
8 Secretary of the Department of Health and Human Resources; providing what moneys the
9 fund shall consist of; directing the transfer of money recovered on behalf of the state
10 arising out of the settlement of a certain civil action to the fund; and providing for
11 rulemaking.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §16-53-1, §16-53-2 and §16-53-3, all to read as follows:

**ARTICLE 53. ESTABLISHING ADDITIONAL SUBSTANCE ABUSE TREATMENT
FACILITIES.**

§16-53-1. Establishment of substance abuse treatment facilities.

1 (a) The Secretary of the Department of Health and Human Resources shall ensure that
2 beds for purposes of providing substance abuse treatment services in existing or newly
3 constructed facilities are made available in locations throughout the state which the Bureau for
4 Behavioral Health and Health Facilities determines to be the highest priority for serving the needs
5 of the citizens of the state.

6 (b) The secretary shall identify and allocate the beds to privately owned facilities to provide
7 substance abuse treatment services.

8 (c) These facilities shall:

9 (1) Give preference to West Virginia residents;

10 (2) Accept payment from private pay patients, third party payors or patients covered by
11 Medicaid;

- 12 (3) Offer long term treatment, based upon need, of up to one year; and
13 (4) Work closely with the Adult Drug Court Program, provided for in article fifteen, chapter
14 sixty-two of this code.

15 (d) Any facility subject to the provisions of this article must be licensed by this state to
16 provide addiction and substance abuse services.

§16-53-2. Establishing the Ryan Brown Addiction Prevention and Recovery Fund.

1 The Ryan Brown Addiction Prevention and Recovery Fund is hereby created in the state
2 treasury as a special revenue account. The fund shall be administered by the Secretary of the
3 Department of Health and Human Resources and shall consist of all moneys made available for
4 the purposes of this article from any source, including, but not limited to, all grants, bequests or
5 transfers from any source, any moneys that may be appropriated and designated for those
6 purposes by the Legislature and all interest or other return earned from investment of the fund,
7 gifts, and all other sums available for deposit to the special revenue account from any source,
8 public or private. Expenditures from the fund shall be for the purposes set forth in this article and
9 are not authorized from collections but are to be made only in accordance with appropriation by
10 the Legislature and in accordance with the provisions of article three, chapter twelve of this code
11 and upon the fulfillment of the provisions set forth in article two, chapter eleven-b of this code.
12 Upon the effective date of this section, the attorney general and any public official with custody or
13 control of the proceeds recovered for the state pursuant to settlement agreement dated January
14 9, 2017, in that certain civil action then pending in Boone County, designated Civil Action No. 12-
15 C-141, shall forthwith transfer, or cause the transfer, of those proceeds into the Ryan Brown
16 Addiction Prevention and Recovery Fund in the manner directed by the state treasurer pursuant
17 to articles one and two, chapter twelve of this code and all other applicable law.

§16-53-3. Rulemaking.

1 The Secretary of the West Virginia Department of Health and Human Resources shall
2 promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter
3 twenty-nine-a of this code to effectuate the provisions of this article.

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 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

The within this the.....
day of, 2017.

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Governor