

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

Introduced

### Senate Bill 389

FISCAL  
NOTE

BY SENATORS TAKUBO, STOLLINGS, BLAIR AND MULLINS

[Introduced February 22, 2017; Referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating  
 2 to creating an exemption from certificate of need for services and equipment purchased  
 3 solely for use in private physician offices.

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

1 That §16-2D-10 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 2D. CERTIFICATE OF NEED.**

**§16-2D-10. Exemptions from certificate of need.**

1 Notwithstanding section eight, a person may provide the following health services without  
 2 obtaining a certificate of need or applying to the authority for approval:

3 (1) The creation of a private office of one or more licensed health professionals to practice  
 4 in this state pursuant to chapter thirty of this code.

5 (2) Any health service or piece of major medical equipment, regardless of the capital  
 6 expenditure of the same, may be purchased by a physician, as defined in this article, for use  
 7 solely in his or her private office. Those services which would result in overnight care shall be  
 8 subject to review as set forth in section eight of this article: *Provided*, That this provision does not  
 9 apply to a sleep laboratory which for purposes of this section is defined as a research facility  
 10 which may or may not be associated with a hospital to monitor sleep patterns and other activities  
 11 while a person sleeps. The authority shall propose rules for legislative approval pursuant to the  
 12 provisions of article three, chapter twenty-nine-a of this code to set forth those services which  
 13 require overnight care which would be subject to the review of the authority as set forth in section  
 14 eight of this article.

15 ~~(2)~~ (3) Dispensaries and first-aid stations located within business or industrial  
 16 establishments maintained solely for the use of employees that does not contain inpatient or  
 17 resident beds for patients or employees who generally remain in the facility for more than twenty-  
 18 four hours;

19           ~~(3)~~ (4) A place that provides remedial care or treatment of residents or patients conducted  
20 only for those who rely solely upon treatment by prayer or spiritual means in accordance with the  
21 creed or tenets of any recognized church or religious denomination.

NOTE: The purpose of this bill is to allow private physician offices to offer any service or purchase any piece of major medical equipment for use solely in his or her private medical practice.

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