

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 423

BY SENATOR WELD

[Originating in the Committee on Health and Human
Resources; reported on March 8, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-5-25, relating to operation of licensed group homes; requiring the
3 Department of Health and Human Resources to seek a waiver from the Centers for
4 Medicare and Medicaid Services for existing group homes in this state; and requiring the
5 Department of Health and Human Resources to amend filings with the Centers for
6 Medicare and Medicaid Services to allow a greater number of occupants to be served in
7 licensed group homes.

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 section, designated §9-5-25, to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-25. Licensed group home person-centered support.

1 (a) The Bureau for Medical Services shall seek a waiver from the Centers for Medicare
2 and Medicaid Services to continue to allow any licensed group home in West Virginia which:

3 (1) Is licensed by the Office of Health and Health Facility Licensure and Certification; and

4 (2) Was operational prior to the effective date of the provisions of 42 CFR 441.301
5 requiring a limitation on the number of residents which may be served, to continue to offer services
6 to all current residents regardless of whether the number of residents is greater than that allowed
7 by federal regulation or state policy.

8 (b) No licensed group home may allow any new residents to be provided services until
9 such time as the census in a licensed group home falls beneath the number allowed by federal
10 regulation and state policy.

11 (c) Once the census in a licensed group home falls to a level in compliance with federal
12 regulation and state policy, the licensed group home may not offer services to greater than the
13 allowable number of residents.

CS for SB 423

NOTE: The purpose of this bill is to allow group homes in West Virginia with greater than four members to continue to offer services to up to eight current residents by seeking either a waiver to allow these services or a state plan amendment.

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