

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4365

BY DELEGATES STEELE AND FOSTER

[Introduced January 25, 2022; Referred to the
Committee on Government Organization then
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-5-29, relating to discontinuing operation of the state's long-term care
3 facilities Jackie Withrow Hospital, John Manchin, Sr. Health Care Center, and Lakin
4 Hospital.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-29. Discontinuing the operation of the state's long-term care facilities.

1 (a) The State of West Virginia operates four long-term healthcare facilities throughout the
2 state: The Manchin facility, Hopemont, Lakin and Jackie Withrow. The Manchin facility was built
3 in 1899, Hopemont in 1913, Lakin in 1926, and Jackie Withrow in 1927. The age of the facilities
4 results in continuous costly repairs and upgrades to ensure the safety of the residents. The costs
5 for utilities, building maintenance and repairs, and payroll costs are not sustainable. The
6 Legislature is accountable for the care of persons in these facilities and has a duty to ensure the
7 facilities in which they live are maintained and safe. The Legislature can no longer ensure that
8 the residents and employees are safe in these facilities. The Legislature finds that it is necessary
9 to discontinue the operation of these facilities at this time.

10 (b) Jackie Withrow Hospital, John Manchin, Sr. Health Care Center, and Lakin Hospital
11 may not accept new patients.

12 (c) Effective January 1, 2023, Jackie Withrow Hospital, John Manchin, Sr. Health Care
13 Center, and Lakin Hospital shall discontinue operation.

14 (d) The department may not hire new salaried state employees to work at these facilities.

15 (e) State employees shall be offered to transfer to another position within state
16 government that they are otherwise qualified for at the same rate of pay and benefits that they
17 are currently receiving. If an employee does not transfer, that employee shall receive a severance
18 package which includes their current salary and benefits for one year. The Division of Personnel
19 and the Department of the Health and Human Resources shall ensure this transition occurs in a

20 timely and seamless manner to minimize the effects on employees.

21 (f) A resident shall be transferred to a long-term care facility of his or her choosing that is
22 able to accommodate his or her level of care. If the resident is not able to make the decision for
23 himself or herself and his or her medical or legal power of attorney is unable to be reached to
24 make a final decision regarding transfer, he or she shall be transferred to the nearest location
25 which is able to accommodate his or her level of care.

NOTE: The purpose of this bill is to discontinue operation of the state's long-term care facilities (Jackie Withrow Hospital, John Manchin, Sr. Health Care Center, and Lakin Hospital).

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