

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4660

BY DELEGATE ROHRBACH

[Originating in the Committee on Health and Human
Resources; reported on February 22, 2022]

1 A BILL to amend and reenact §16-2D-9, of the Code of West Virginia, 1931, as amended, relating
2 to establishing the status of beds when an intermediate care facility for individuals with
3 intellectual disabilities permanently closes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-9. Health services that cannot be developed.

1 Notwithstanding §16-2D-8 and §16-2D-11 of this code, these health services require a
2 certificate of need but the authority may not issue a certificate of need to:

3 (1) A health care facility adding intermediate care or skilled nursing beds to its current
4 licensed bed complement, except as provided in §16-2D-11(c)(23) of this code;

5 (2) A person developing, constructing, or replacing a skilled nursing facility except in the
6 case of facilities designed to replace existing beds in existing facilities that may soon be deemed
7 unsafe or facilities utilizing existing licensed beds from existing facilities which are designed to
8 meet the changing health care delivery system; and

9 (3) Add beds in an intermediate care facility for individuals with an intellectual disability,
10 except that prohibition does not apply to an intermediate care facility for individuals with
11 intellectual disabilities beds approved under the Kanawha County circuit court order of August 3,
12 1989, civil action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.V. 248, 284
13 S.E. 2d 232 (1981) including the 24 beds provided in §16-2D-8(b)(24) of this code: Provided, That
14 when an existing intermediate care facility for individuals with intellectual disabilities voluntarily or
15 involuntarily permanently closes, as determine by the Health Care Authority, those beds shall
16 revert to the Health Care Authority to be redistributed to another provider that has not received
17 any citations related to the health, safety, welfare, or clinical treatment of a consumer in the past
18 12 months; and

19 (4) An opioid treatment program.

NOTE: The purpose of this bill is to establish the status of beds when an intermediate care facility for individuals with intellectual disabilities closes.

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