

WEST VIRGINIA LEGISLATURE

2024 FIRST EXTRAORDINARY SESSION

Introduced

House Bill 113

BY DELEGATES HANSHAW (MR. SPEAKER) AND

HORNBUCKLE

(BY REQUEST OF THE EXECUTIVE)

[Introduced May 19, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-5-29a, relating to residential substance use disorder treatment facilities;
3 prohibiting payment to facilities that do not meet certain requirements; requiring licensure;
4 requiring accreditation; requiring the Bureau for Medical Services to make necessary
5 filings; setting forth specific timeframe to obtain licensure and accreditation; requiring
6 residential substance use disorder treatment facility to obtain accreditation within one year
7 of operation; providing provisions for operation at a new site or new ownership; requiring
8 a report; stating licensed treatment beds are subject to specific provisions; providing for
9 rulemaking; and providing a sunset date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-29a. Prohibition against payments to certain residential substance use disorder facilities; Requirement for licensure and accreditation; and rulemaking.

1 (a) Effective January 1, 2026, unless otherwise mandated by federal law or regulation,
2 neither the Bureau for Medical Services, nor any managed care organization contracted to provide
3 services on behalf of the bureau, shall reimburse providers for services rendered on or after
4 January 1, 2026, at a residential substance use disorder treatment facility unless:

5 At the time treatment was rendered, the facility site was actively:

6 (A) Licensed by the West Virginia Office of Health Facility Licensure and Certification; and

7 (B) Accredited by the Commission on Accreditation of Rehabilitation Facilities International
8 (CARF), the Joint Commission, or Det Norske Veritas (DNV) to operate an inpatient facility that
9 provides behavioral health services.

10 (b) No later than October 1, 2025, the Bureau for Medical Services shall make all
11 necessary filings with the Centers for Medicare and Medicaid Services and submit for public
12 comment any changes to its provider manual that are necessary to ensure the ability to enforce
13 the provisions of subsection (a) of this code section.

14 (c) Residential substance use disorder facilities shall obtain both licensure and
15 accreditation as required by subsection (a) of this section by January 1, 2026. Any residential
16 substance use disorder facility beginning new operations as a result of a lawful change in
17 ownership, or opening a facility at a new site, shall be required to comply with the requirements
18 of this section to be accredited with CARF, the Joint Commission, or DNV, within one year of its
19 start of operations. However, the Office of Health Facility Licensure and Certification licensure
20 requirement in subsection (a) of this section, all other applicable state laws and regulations, and
21 requirements of the bureau required to be eligible for reimbursement for residential substance
22 use disorder services, shall be applicable during this one year period.

23 (d) All licensed substance abuse treatment beds are subject to the provisions of §16-2D-
24 9(5) of this code.

25 (e) The Office of the Inspector General shall propose or amend a rule for legislative
26 approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the
27 provisions of this section.

28 (f) The Bureau for Medical Services shall prepare a report to the Legislative Oversight
29 Commission on Health and Human Resources Accountability on or before December 31, 2030.
30 That report shall provide data on the effectiveness of the provisions of this section.

31 (g) Effective July 1, 2031, the provisions of this section shall expire and have no further
32 force or effect unless continued by act of the Legislature.

NOTE: The purpose of this bill is to prohibit payment to residential substance use disorder treatment facilities that do not meet certain requirements.

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