

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5160

By Delegates Pushkin, Hansen, Tully, and McGeehan

[Introduced January 25, 2024; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating
 2 to certificates of need; prohibiting expanding drug and alcohol treatment facilities and
 3 services in certain counties.

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 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;

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 intellectual
 11 disabilities beds approved under the Kanawha County circuit court order of August 3, 1989, civil
 12 action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.V. 248, 284 S.E. 2d 232
 13 (1981) including the 24 beds provided in §16-2D-8 of this code; and

14 (4) An opioid treatment program. ~~and~~

15 ~~(5) Add licensed substance abuse treatment beds in any county which already has greater~~
 16 ~~than~~ 250 ~~licensed~~ ~~substance~~ ~~abuse~~ ~~treatment~~ ~~beds~~

NOTE: The purpose of this bill is to remove the prohibition of adding more licensed substance abuse treatment beds in counties who currently have more than 250 substance abuse treatment beds.

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