

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5620

By Delegate Fluharty

[Introduced February 12, 2024; Referred to the
Committee on Senior, Children, and Family Issues
then Health and Human Resources]

22 (i) To offer and sponsor educational and training programs for nursing homes for clinical,
23 administrative, management, and operational personnel;

24 (j) To undertake survey, research and planning projects, and programs relating to
25 administration and operation of nursing homes and to the health, care, treatment, and service in
26 general of such homes;

27 (k) To assess civil penalties for violations of facility standards, in accordance with §16-5C-
28 10 of this code;

29 (l) To inspect any nursing home and any records maintained therein that are necessary to
30 determine compliance with licensure laws or Medicare or Medicaid certification, subject to the
31 provisions of §16-5C-9 and §16-5C-10 of this code;

32 (m) To establish and implement procedures, including informal conferences,
33 investigations, and hearings, subject to applicable provisions of §29A-3-1 et seq. of this code, and
34 to enforce compliance with the provisions of this article and with rules issued hereunder;

35 (n) To subpoena witnesses and documents, administer oaths and affirmations, and to
36 examine witnesses under oath for the conduct of any investigation or hearing. Upon failure of a
37 person without lawful excuse to obey a subpoena to give testimony, and upon reasonable notice to
38 all persons affected thereby, the secretary may apply to the circuit court of the county in which the
39 hearing is to be held for an order compelling compliance;

40 (o) To make complaint or cause proceedings to be instituted against any person or persons
41 for the violation of the provisions of this article or of rules issued hereunder. Such action may be
42 taken by the secretary without the sanction of the prosecuting attorney of the county in which
43 proceedings are instituted if the officer fails or refuses to discharge his or her duty. The circuit court
44 of the county in which the conduct has occurred or, if emergency circumstances require, the Circuit
45 Court of Kanawha County shall have jurisdiction in all civil enforcement actions brought under this
46 article and may order equitable relief without bond. In no such case may the secretary or any
47 person acting under the secretary's direction be required to give security for costs;

48 (p) To delegate authority to the secretary's employees and agents to perform all functions
49 of the secretary;

50 (q) To make available to the Governor, the Legislature, and the public at all times online
51 access through the Office of Health Facility Licensure and Certification website the following
52 information. The online information will describe the licensing and investigatory activities of the
53 department during the year. The online information will include a list of all nursing homes in the
54 state, whether such homes are proprietary or nonproprietary; the name of the administrator or
55 administrators; the total number of beds; the legal name of the facility; state identification number;
56 health investigations information and reports; life safety investigations information and reports;
57 and whether or not those nursing homes listed accept Medicare and Medicaid residents; ~~and~~

58 (r) To establish a formal process for licensed facilities to file complaints about the
59 inspection process or inspectors; and

60 (s) To authorize the installation of monitors in long-term care facilities.

NOTE: The purpose of this bill is to authorize the installation of monitors in long-term care facilities.

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