

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2046**

By Delegate Burkhammer

[Introduced February 12, 2025; referred  
to the Committee on Health and Human Resources  
then Finance]

A BILL to amend and reenact §16-2D-3 of the Code of West Virginia, 1931, as amended, relating to requiring health care facilities not exempt from certificates of need to provide health care services to persons who are under the Public Employees Insurance Act.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE                      2D.                      CERTIFICATE                      OF                      NEED.**  
**§16-2D-3.                      Powers                      and                      duties                      of                      the                      authority.**

(a) The authority shall:

(1) Administer the certificate of need program;

(2) Review the state health plan, the certificate of need standards, and the cost effectiveness of the certificate of need program and make any amendments and modifications to each that it may deem necessary, no later than September 1, 2017, and biennially thereafter.

(3) Shall adjust the expenditure minimum annually and publish to its website the updated amount on or before December 31, of each year. The expenditure minimum adjustment shall be based on the DRI inflation index.

(4) Create a standing advisory committee to advise and assist in amending the state health plan, the certificate of need standards, and performing the state agencies' responsibilities.

(b) The authority may:

(1) (A) Order a moratorium upon the offering or development of a health service when criteria and guidelines for evaluating the need for the health service have not yet been adopted or are obsolete or when it determines that the proliferation of the health service may cause an adverse impact on the cost of health services or the health status of the public.

(B) A moratorium shall be declared by a written order which shall detail the circumstances requiring the moratorium. Upon the adoption of criteria for evaluating the need for the health service affected by the moratorium, or 180 days from the declaration of a moratorium, whichever is less, the moratorium shall be declared to be over and applications for certificates of need are processed pursuant to ~~section eight~~ §16-2D-8.

21 (2) Approve an emerging health service or technology for one year.

22 (3) Exempt from certificate of need or annual assessment requirements to financially  
23 vulnerable health care facilities located in underserved areas that the state agency and the Office  
24 of Community and Rural Health Services determine are collaborating with other providers in the  
25 service area to provide cost effective health services.

1 (c) The authority shall order that all health care facilities, not exempt from certificate of  
2 need requirements under this article, to provide health care services to all persons who are eligible  
3 for insurance coverage under the Public Employees Insurance Act pursuant to §5-16-1 et seq.

NOTE: The purpose of this bill is to require health care facilities not exempt from certificates of need to provide health care services to persons who are under the public employees insurance act (PEIA).

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