

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3160

By Delegates Flanigan and Eldridge

[Introduced March 05, 2025; referred to the
Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §16-5C-1, relating to medical directors for nursing homes; establishing
3 certification requirements; providing definitions; providing exemptions; and providing time
4 frames.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5C. NURSING HOMES.

§16-5C-1. Medical director certification.

1 (a) (1) A skilled nursing facility shall not contract with a person as a medical director if the
2 person is not, or will not be within five years of the date of initial hire as the facility's medical
3 director, certified by the American Board of Post-Acute and Long-Term Care Medicine, or an
4 equivalent organization as determined by the Department of Health, as a Certified Medical
5 Director, except as set forth in subdivision (2) of this section.

6 (2) A medical director already employed in a skilled nursing facility as of January 1, 2025,
7 shall have until January 1, 2030, to become a Certified Medical Director pursuant to this section.

8 (b) A skilled nursing facility shall submit to the Department of Health whether its medical
9 director is certified as a Certified Medical Director according to the requirements established by
10 the American Board of Post-Acute and Long-Term Care Medicine or an equivalent organization as
11 determined by the Department of Health and if the medical director is not yet certified, the
12 expected date of certification.

13 (c) A skilled nursing facility shall notify the Department of Health of any changes in its
14 medical director's certification by providing proof of certification or progress toward certification for
15 its medical director within 10 calendar days of those changes.

16 (d) All skilled nursing facilities shall report to the Department of Health the name and
17 certification status of the facility's medical director and proof of certification or progress toward
18 certification for its medical director no later than June 30, 2026.

19 (e) (1) Subdivisions (a) through (d), inclusive, do not apply to a skilled nursing facility that is

20 operated as a distinct part of an acute care hospital.

21 (2) A skilled nursing facility that is operated as a distinct part of an acute care hospital shall
22 designate a qualified physician as a medical director who is responsible for standards,
23 coordination, surveillance, and planning for improvement of medical care in the facility.

24 (3) For purposes of paragraph (2), "qualified physician" means either of the following:

25 (A) The physician is certified, or pursuing certification, by the American Board of Post-
26 Acute and Long-Term Care Medicine as a Certified Medical Director.

27 (B) The physician is board certified in a medical specialty consistent with the type of care
28 provided in the skilled nursing facility, including, but not limited to, physical medicine and
29 rehabilitation or pulmonology, and whose role as the medical director of the skilled nursing facility
30 has been reviewed and approved by the hospital's leadership.

NOTE: The purpose of this bill is to require medical directors of nursing homes to be certified.

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