

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3236

FISCAL NOTE

By Delegates Flanigan, Pritt, Brooks, Eldridge,
Chiarelli, Rohrbach, Amos, Shamblin, Campbell,
Akers, and Willis

[Introduced March 07, 2025; referred to the
Committee on Health and Human Resources then
Finance]

1 A BILL to amend and reenact §26-1-3 of the Code of West Virginia, 1931, as amended, relating to
2 operating state owned health facilities; and requiring the Secretary of Health to establish a
3 long term psychiatric, mental health assistance hospital facility or home to serve the needs
4 of homeless persons.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF HEALTH FACILITIES.

§26-1-3. Secretary of Department of Health Facilities; powers and duties.

1 (a) In addition to the authority provided in §5F-2-2 of this code, the secretary shall:

2 (1) Coordinate efforts with the Secretary of Human Services and the Secretary of Health,
3 including authority to share the expense of administrative services through a memorandum of
4 understanding established by agreement of the secretaries as required under §5F-2-1a of this
5 code;

6 (2) Manage, direct, control, and govern state owned health facilities;

7 (3) Operate state health facilities and adopt rules pertaining to their operation, including
8 establishing a long term psychiatric, mental health assistance hospital facility or home to serve the
9 needs of homeless persons;

10 (4) Protect the rights of clients served by state health facilities;

11 (5) Develop and implement critical performance indicators to be used to hold state
12 hospitals accountable. The performance system indicators shall be implemented no later than
13 January 1, 2025; and

14 (6) Cooperate with the Office of the Inspector General and take action on its findings.

15 (b) The Secretary may:

16 (1) Acquire by condemnation or otherwise any interest, right, privilege, land, or
17 improvement and hold title to the land or improvement, for the use or benefit of the state or a state
18 hospital or facility, to sell, exchange or otherwise convey any interest, right, privilege, land, or
19 improvement acquired or held by the state, state hospital, or state facility Any condemnation

20 proceedings shall be conducted pursuant to §54-1-1 *et seq.* of this code;

21 (2) Receive donations;

22 (3) Accept, allocate, and spend any federal funds that may be made available to the state

23 by the federal government; and

24 (4) Transfer residents between the facilities. The clinical director may accept transfer of

25 residents from correctional institutions, subject to the provisions of §28-1-1 *et seq.* of this code.

26 (c) Any contract, agreement or memorandum of understanding between the secretary and

27 West Virginia University, West Virginia School of Osteopathic Medicine or Marshall University for

28 services is exempt from the provisions of §5A-3-1 *et seq.*, of this code.

NOTE: The purpose of this bill is to require the Secretary of Health to establish a long term psychiatric, mental health assistance hospital facility or home to serve the needs of homeless persons.

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