

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3311

**FISCAL
NOTE**

By Delegates W. Clark and Kump

[Introduced March 11, 2025; referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-2D-1 of the Code of West Virginia, 1931, amended, relating to
2 certificate of need; providing legislative findings; creating exemptions; and directing the
3 Health Care Authority publish an annual report.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-1. Legislative findings.

1 It is declared to be the public policy of this state:

2 ~~(1) That the offering or development of all health services shall be accomplished in a~~
3 ~~manner which is orderly, economical and consistent with the effective development of necessary~~
4 ~~and adequate means of providing for the health services of the people of this state and to avoid~~
5 ~~unnecessary duplication of health services, and to contain or reduce increases in the cost of~~
6 ~~delivering health services.~~

7 ~~(2) That the general welfare and protection of the lives, health and property of the people of~~
8 ~~this state require that the type, level and quality of care, the feasibility of providing such care and~~
9 ~~other criteria as provided for in this article, including certificate of need standards and criteria~~
10 ~~developed by the authority pursuant to provisions of this article, pertaining to health services within~~
11 ~~this state, be subject to review and evaluation before any health services are offered or developed~~
12 ~~in order that appropriate and needed health services are made available for persons in the area to~~
13 ~~be served.~~

14 (a) The Legislature finds and declares that:

15 (1) When a county demonstrates a qualifying population growth there exists a need to
16 provide healthcare services;

17 (2) A qualifying population growth occurs when a county experiences a 0.5% or greater
18 population growth in the span of one year; and

19 (3) Providing healthcare services promotes free-market healthcare expansion.

20 (b) Notwithstanding any other provision of this article, any county that has experienced a

21 qualifying population growth of 0.5% ~~or~~ greater in any year from 2020 onward shall be exempt
22 from §16-2D-8, §16-2D-12, §16-2D-13, and §16-2D-14 of this code. Where a county is granted an
23 exemption under this subsection, said county shall be permanently exempt from §16-2D-8, §16-
24 2D-12, §16-2D-13, and §16-2D-14 of this code.

25 (c) The Health Care Authority is directed to publish an annual report, beginning on July 1,
26 2025, listing the counties that have met the population growth rate based upon calculations using
27 data on the number of births, deaths, immigration, and emigration.

NOTE: The purpose of this bill is to exempt counties with certain population growth from requiring certificate of need; making the exemption permanent once attained; and requiring the Health Care Authority to annually publish a list of applicable counties.

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