

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 867

By Senator Helton

[Introduced March 21, 2025; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §9-5-29a of the Code of West Virginia, 1931, as amended, relating to
2 requiring the Bureau for Medical Services to make necessary filings and obtain licensures
3 and accreditation by July 1, 2025; and requiring compliance for certain substance use
4 disorder treatment facilities by an earlier date to accommodate the need for such facilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-29a. Prohibition against payments to certain residential substance use disorder facilities; Requirement for licensure and accreditation; and rulemaking.

1 (a) Effective ~~January 1, 2026~~ July 1, 2025, unless otherwise mandated by federal law or
2 regulation, neither the Bureau for Medical Services, nor any managed care organization
3 contracted to provide services on behalf of the bureau, shall reimburse providers for services
4 rendered on or after ~~January 1, 2026~~ July 1, 2025, at a residential substance use disorder
5 treatment facility unless:

6 At the time treatment was rendered, the facility site was actively:

7 (A) Licensed by the West Virginia Office of Health Facility Licensure and Certification; and

8 (B) Accredited by the Commission on Accreditation of Rehabilitation Facilities International
9 (CARF), the Joint Commission, or Det Norske Veritas (DNV) to operate an inpatient facility that
10 provides behavioral health services.

11 (b) No later than October 1, 2025, the Bureau for Medical Services shall make all
12 necessary filings with the Centers for Medicare and Medicaid Services and submit for public
13 comment any changes to its provider manual that are necessary to ensure the ability to enforce
14 the provisions of subsection (a) of this code section.

15 (c) Residential substance use disorder facilities shall obtain both licensure and
16 accreditation as required by subsection (a) of this section by ~~January 1, 2026~~ July 1, 2025. Any
17 residential substance use disorder facility beginning new operations as a result of a lawful change
18 in ownership, or opening a facility at a new site, shall be required to comply with the requirements

19 of this section to be accredited with CARF, the Joint Commission, or DNV, within one year of its
20 start of operations. However, the Office of Health Facility Licensure and Certification licensure
21 requirement in subsection (a) of this section, all other applicable state laws and regulations, and
22 requirements of the bureau required to be eligible for reimbursement for residential substance use
23 disorder services, shall be applicable during this one year period.

24 (d) All licensed substance abuse treatment beds are subject to the provisions of §16-2D-
25 9(5) of this code.

26 (e) The Office of the Inspector General shall propose or amend a rule for legislative
27 approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the
28 provisions of this section.

29 (f) The Bureau for Medical Services shall prepare a report to the Legislative Oversight
30 Commission on Health and Human Resources Accountability on or before December 31, 2030.
31 That report shall provide data on the effectiveness of the provisions of this section.

32 (g) Effective July 1, 2031, the provisions of this section shall expire and have no further
33 force or effect unless continued by act of the Legislature.

NOTE: The purpose of this bill is to require the Bureau for Medical Services to make necessary filings and obtain licensures and accreditation by July 1, 2025 and require compliance for these substance use disorder treatment facilities by an earlier date to accommodate the need for these 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.