

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5184

By Delegates Pushkin, Lewis, and Garcia

[Introduced February 04, 2026; referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating
2 to certificates of need; prohibiting expanding drug and alcohol treatment facilities and
3 services in certain counties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2D. CERTIFICATE OF NEED

§16-2D-9. Health services that cannot be developed.

1 Notwithstanding §16-2D-8 and §16-2D-11 of this code, these health services require a
2 certificate of need but the authority may not issue a certificate of need to:

3 (1) A health care facility adding intermediate care or skilled nursing beds to its current
4 licensed bed complement, except as provided in §16-2D-11 of this code;

5 (2) A person developing, constructing, or replacing a skilled nursing facility except in the
6 case of facilities designed to replace existing beds in existing facilities that may soon be deemed
7 unsafe or facilities utilizing existing licensed beds from existing facilities which are designed to
8 meet the changing health care delivery system;

9 (3) Add beds in an intermediate care facility for individuals with an intellectual disability,
10 except that prohibition does not apply to an intermediate care facility for individuals with intellectual
11 disabilities beds approved under the Kanawha County Circuit Court order of August 3, 1989, civil
12 action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.V. 248, 284 S.E. 2d 232
13 (1981) including the 24 beds provided in §16-2D-8 of this code; and

14 (4) An opioid treatment program: *Provided*, That an opioid treatment program that is an
15 approved clinical trial, with institutional review board approval, for the study of office-based
16 methadone versus buprenorphine to address retention in medication for opioid use disorder
17 treatment may be developed for the limited purposes of conducting the clinical trial and shall be
18 limited to the time frame set forth in the clinical trial, after registering with the Board of Pharmacy:
19 *Provided, however*, That this exemption only permits one program to participate once in CTN-
20 0131. and

21 (5) Add licensed substance abuse treatment beds in any county which already has greater
22 than 250 licensed substance abuse treatment beds

NOTE: The purpose of this bill is to remove the prohibition of adding more licensed substance abuse treatment beds in counties who currently have more than 250 substance abuse treatment beds.

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