

# WEST VIRGINIA LEGISLATURE

## 2026 REGULAR SESSION

Introduced

### Senate Bill 1012

FISCAL  
NOTE

By Senator Fuller

[Introduced February 19, 2026; referred  
to the Committee on Health and Human Services]

1 A BILL to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating  
 2 to permitting the development of juvenile inpatient, substance use disorder treatment  
 3 beds.

*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;

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: Provided, That a certificate of need may be  
23 issued in Cabell County for an additional 60 licensed substance abuse treatment beds restricted to  
24 inpatient treatment for individuals 17 years of age or younger.

NOTE: The purpose of this bill is to permit the development of juvenile treatment beds in Cabell County.

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