

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 1012

BY SENATOR FULLER

[Reported February 27, 2026, from 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 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
11 intellectual disabilities beds approved under the Kanawha County Circuit Court order of August
12 3, 1989, civil action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.Va. 248, 284
13 S.E.2d 232 (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 100 licensed substance
23 abuse treatment beds restricted to inpatient treatment for individuals 17 years of age or younger
24 may be added statewide.