WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 576

By Senators Garcia, Hamilton, and Woelfel

[Introduced January 22, 2026; referred

to the Committee on Health and Human Resources;

and then to the Committee on Finance]

1 A BILL to amend and reenact §26-1-3 of the Code of West Virginia, 1931, as amended, relating to

2   powers and duties of the Secretary of the Department of Health Facilities; requiring the

3   secretary to continue carrying out duties to operate state-owned health facilities; and

4   providing that the secretary may not divest the operations of, or real property related to,

5   certain state-owned health facilities without approval of the Legislature.

Be it enacted by the Legislature of West Virginia:

ARTICLE   1.   DEPARTMENT   OF   HEALTH   FACILITIES.

§26-1-3.   Secretary   of   Department   of   Health   Facilities;   powers   and   duties.

1   (a) In addition to the authority provided in §5F-2-2 of this code, the secretary shall:

2   (1) Coordinate efforts with the Secretary of Human Services and the Secretary of Health,

3 including authority to share the expense of administrative services through a memorandum of

4 understanding established by agreement of the secretaries as required under §5F-2-1a of this

5 code;

6   (2) Manage, direct, control, and govern state-owned health facilities;

7   (3) Operate state health facilities and adopt rules pertaining to their operation;

8   (4) Protect the rights of clients served by state health facilities;

9   (5) Develop and implement critical performance indicators to be used to hold state

10 hospitals accountable. The performance system indicators shall be implemented no later than

11 January 1, 2025; and

12   (6) Cooperate with the Office of the Inspector General and take action on its findings.

13   (b) The Secretary shall continue to carry out the duties prescribed in subsection (a) of this

14 section with respect to each state-owned health facility operated by the department under §5F-2-

15 1a(d) of this code unless otherwise provided by an act of the Legislature.

16   (b)(c) The Secretary may:

17   (1) Acquire by condemnation or otherwise any interest, right, privilege, land, or

18 improvement and hold title to the land or improvement, for the use or benefit of the state or a state

19   hospital or facility, to sell, exchange or otherwise convey any interest, right, privilege, land, or

20   improvement acquired or held by the state, state hospital, or state facility, <u>with</u> any condemnation

21   proceedings ~~shall~~ <u>to</u> be conducted pursuant to §54-1-1 *et seq*. of this code: *Provided*, That in no

22   <u>case may the Secretary convey, dispose, lease, sell, or otherwise divest either the operations of or</u>

23   <u>the real property and any improvements thereon which are directly related to the operations of</u>

24   <u>Mildred Mitchell-Bateman Hospital, Welch Community Hospital, or William R. Sharpe Jr. Hospital,</u>

25   <u>to a private buyer without the approval of any such divestment by an act of the Legislature;</u>

26   (2) Receive donations;

27   (3) Accept, allocate, and spend any federal funds that may be made available to the state

28   by the federal government; and

29   (4) Transfer residents between the facilities. The clinical director may accept transfer of

30   residents from correctional institutions, subject to the provisions of §28-1-1 *et seq*. of this code.

31   ~~(c)~~<u>(d)</u> Any contract, agreement or memorandum of understanding between the secretary

32   and West Virginia University, West Virginia School of Osteopathic Medicine or Marshall University

33   for services is exempt from the provisions of §5A-3-1 *et seq*., of this code.

          NOTE: The purpose of this bill is to require the Secretary of Department of Health Facilities
          to continue operating state-owned health facilities and to otherwise prohibit the
          department's sale or divestment of the operations of, or the real estate related to, Mildred
          Mitchell-Bateman Hospital, Welch Community Hospital, or William R. Sharpe Jr. Hospital,
          without approval of the Legislature.

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