

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 589**

By Senator Helton

[Introduced January 23, 2026; referred

to the Committee on Health and Human Resources;

and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §16-59-1, §16-62-1, and §16-62-2 of the Code of West Virginia,  
2 1931, as amended; and to amend the code by adding a new section, designated §16-59-  
3 1a, relating to recovery residences; setting forth legislative findings; reorganizing  
4 definitions section; and correcting internal citations in other sections of code referencing  
5 the definitions section.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 59. CERTIFICATION OF RECOVERY RESIDENCES.**

**§16-59-1. Definitions Legislative findings.**

1 Definitions—

2 As used in this article, the term:

3 "Certificate of compliance" means a certificate that is issued to a recovery residence by the  
4 department's appointed certifying agency.

5 "Certified recovery residence" means a recovery residence that holds a valid certificate of  
6 compliance.

7 "Director" means the Director of the Office of Health Facility Licensure and Certification, or  
8 his or her designee.

9 "Department" means the Department of Human Services.

10 "Immediate jeopardy" means an issue of non-compliance that places the health and safety  
11 of residents of the recovery residence at risk for serious injury, serious harm, serious impairment,  
12 or death.

13 "Inspector General" means the Inspector General of the Office of the Inspector General as  
14 described in §16B-2-1 of this code.

15 "Recovery residence" means a single-family, drug-free, and alcohol-free residential  
16 dwelling unit, or other form of group housing, that is offered or advertised by any person or entity  
17 as a residence that provides a drug-free and alcohol-free living environment for the purposes of  
18 promoting sustained, long-term recovery from substance use disorder.

19        *Legislative Findings. —*

20        (1) The Legislature hereby finds that substance use disorder constitutes a serious threat to  
21 the health and welfare of the citizens of West Virginia.

22        (2) Certified, long-term recovery residences support the recovery of individuals with  
23 substance use disorder and help prevent relapse, criminal justice system involvement, and  
24 overdose.

25        (3) Certified, long-term recovery residences are designed to address the needs of  
26 individuals in recovery from substance use disorder through the provision of a safe and healthy  
27 living environment and a community of supportive recovering peers to which residents are  
28 accountable.

29        (4) Multiple peer reviewed studies show that well-run recovery residences have a long  
30 lasting, positive impact on individuals in or seeking recovery from substance use disorders.

31        (5) Residents are more likely to stay in recovery, become or stay employed, and interact  
32 less with the criminal justice system than similarly situated non-residents.

33        (6) It is in the best interests of individuals in recovery from substance use disorder and of  
34 the communities in which recovery residences are situated that recovery residences be certified  
35 with nationally recognized standards in order to protect recovery residence residents and  
36 communities from harm caused by poorly managed or fraudulent recovery residences.

**§16-59-1a. Definitions.**

1        *Definitions. —*

2        As used in this article, the term:

3        "Certificate of compliance" means a certificate that is issued to a recovery residence by the  
4 department's appointed certifying agency.

5        "Certified recovery residence" means a recovery residence that holds a valid certificate of  
6 compliance.

7        "Director" means the Director of the Office of Health Facility Licensure and Certification, or  
8        his or her designee.

9        "Department" means the Department of Human Services.

10        "Immediate jeopardy" means an issue of non-compliance that places the health and safety  
11        of residents of the recovery residence at risk for serious injury, serious harm, serious impairment,  
12        or death.

13        "Inspector General" means the Inspector General of the Office of the Inspector General as  
14        described in §16B-2-1 of this code.

15        "Recovery residence" means a single-family, drug-free, and alcohol-free residential  
16        dwelling unit, or other form of group housing, that is offered or advertised by any person or entity  
17        as a residence that provides a drug-free and alcohol-free living environment for the purposes of  
18        promoting sustained, long-term recovery from substance use disorder.

## **ARTICLE 62. THE PATIENT BROKERING ACT.**

### **§16-62-1.**

### **Definitions.**

1        For the purposes of this article:

2        "Department" means the Department of Human Services.

3        "Health care provider or health care facility" means any person or entity licensed, certified,  
4        or authorized by law to provide professional health care service in this state to a patient during that  
5        patient's medical, remedial, or behavioral health care, treatment, or confinement.

6        "Health care provider network entity" means a corporation, partnership, or limited liability  
7        company owned or operated by two or more health care providers and organized for the purpose  
8        of entering into agreements with health insurers, health care purchasing groups, or the Medicare  
9        or Medicaid program.

10        "Health insurer" means any insurance company authorized to transact health insurance in  
11        the state, any insurance company authorized to transact health insurance or casualty insurance in  
12        the state that is offering a minimum premium plan or stop-loss coverage for any person or entity

13 providing health care benefits, any self-insurance plan, any health maintenance organization, any  
14 prepaid health clinic, any prepaid limited health service organization, any multiple-employer  
15 welfare arrangement, or any fraternal benefit society providing health benefits to its members.

16 "Recovery residence" has the same meaning as set forth in §16-59-1 §16-59-1a of this  
17 code.

**§16-62-2. Patient brokering prohibited.**

3 (1) Offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or  
4 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, to  
5 induce the referral of a patient or patronage to or from a health care provider, health care facility or  
6 recovery residence;

7 (2) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or  
8 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in  
9 return for referring a patient or patronage to or from a health care provider, health care facility, or  
10 recovery residence;

11 (3) Solicit or receive a commission, benefit, bonus, rebate, kickback, or bribe, directly or  
12 indirectly, in cash or in kind, or engage in any split-fee arrangement, in any form whatsoever, in  
13 return for the acceptance or acknowledgment of treatment from a health care provider, health care  
14 facility, or recovery residence;

15 (4) Aid, abet, advise, or otherwise participate in the conduct prohibited under this  
16 subsection; or

17 (5) Engage in any of the unlawful acts provided for in this subsection in regard to a  
18 recovery residence as defined in ~~§16-59-1~~ §16-59-1a of this code;

19 (b) *Penalties.* –

20 (1) Any person who violates the provisions of subsection (a) of this section is guilty of a  
21 felony and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned in a state  
22 correctional facility for not less than one year nor more than five years, or both fined and  
23 imprisoned.

24 (2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who  
25 violates subsection (a) of this section, where the prohibited conduct involves 10 or more patients,  
26 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000, or  
27 imprisoned in a state correctional facility not less than two years nor more than five years, or both  
28 fined and imprisoned.

29 (c) The Office of the Inspector General shall develop a tool that facilitates the submission of  
30 complaints. The Office of the Inspector General shall investigate complaints, review data for  
31 violations of this article, and shall refer matters to state, or local law-enforcement authorities to  
32 coordinate, investigate, or prosecute violations of this article.

33 (d) Law enforcement shall investigate each referral upon receipt for violation this article.

34 (e) The Office of the Inspector General shall receive data from the department related to  
35 recovery residences based upon intervals determined by the department, but not less than  
36 annually. This data may contain personally identifiable health information. It shall be transmitted  
37 and stored in conformity with applicable Health Insurance and Portability and Accountability Act  
38 standards.

39 (f) The Office of the Inspector General and the certifying agency set forth in §16-59-2 et  
40 seq. of this code may coordinate investigations as further set forth in legislative rule.

NOTE: The purpose of this bill is to remove the mandatory registration of recovery residences and limit the authority of the certifying agency regarding data collection and documentation of registered recovery residences.

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