

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 3337**

BY DELEGATES HECKERT, FEHRENBACHER, COOPER,  
FOGGIN, HOTT, CRISS, HANSHAW (MR. SPEAKER),  
ROHRBACH, PETITTO, A. HALL AND ANDERSON

[Passed March 8, 2023; in effect from passage.]



1 AN ACT to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating  
2 to prohibiting a certificate of need; prohibiting additional drug and alcohol treatment  
3 facilities and 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  
11 intellectual disabilities beds approved under the Kanawha County circuit court order of August 3,  
12 1989, civil action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.V. 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; and

15 (5) Add licensed substance abuse treatment beds in any county which already has greater  
16 than 250 licensed substance abuse treatment beds.



The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the House of Delegates*

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*Clerk of the Senate*

Originated in the House of Delegates.

In effect from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2023.

.....  
*Governor*