

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4216

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY,

BY REQUEST OF THE EXECUTIVE

[Introduced January 21, 2016; Referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-2D-4c, relating to exempting community-based behavioral health
 3 facilities, programs or services from the certificate of need process; and defining
 4 “community-based.”

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §16-2D-4c, to read as follows:

ARTICLE 2D. CERTIFICATE OF NEED.

**§16-2D-4c. Certificate of need; exemption for community-based behavioral health facilities,
 programs or services.**

1 (a) Notwithstanding any provision of this article, rules proposed or promulgated by the
 2 state agency, and section one hundred twenty-four, article two, chapter forty-nine of this code, a
 3 certificate of need is not required for any community-based behavioral health care facilities,
 4 programs or services, including any modification, expansion or substantial change to any existing
 5 community-based behavioral health care facilities, programs or services.

6 (b) For purposes of this section, the term “community-based” means a nonresidential
 7 facility, program or service located near the behavioral health patient’s home or family and
 8 involving community participation in planning, operation and evaluation and which may include,
 9 but is not limited to, medical, educational, vocational, social and psychological guidance, training,
 10 special education, counseling, substance abuse and any other treatment or rehabilitation
 11 services.

NOTE: The purpose of this bill is to exempt from the certificate of need process contained in W.Va. Code 16-2D-1 et seq., community-based behavioral health care facilities, programs or services, as well as the modification, expansion, or substantial change to any existing community-based behavioral health care facilities, programs or services, as well as defining the term “community-based” for the purposes of this section.

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