

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

House Bill 3102

BY DELEGATES ELLINGTON, SUMMERS AND

HOUSEHOLDER

[Originating in the Committee on Health and Human
Resources; Reported on March 14, 2017]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-26, relating to Hopemont Hospital by the Secretary of the Department of Health and Human Resources; exempting certain laws; and providing statutory construction.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §9-5-26, to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-26. Selling of state owned health care facilities.

1 (a) The Secretary of the Department of Health and Human Resources may divest of the
2 facilities; land; buildings and improvements; contents; employment, patient and contractual
3 interests; licenses; and all other assets excluding any cash, cash equivalents and marketable
4 securities of Hopemont Hospital.

5 (b) The secretary shall ensure that the patients are transferred to an area facility and shall
6 minimize effects on long-term care facility residents, including any potential risk that could arise
7 from relocating current residents, and shall provide updates to the Joint Committee on
8 Government and Finance.

9 (c) This section is not subject to the purchasing requirements of article three, chapter five-
10 a of this code.

11 (d) Sales and transfers under this section are exempt from certificate of need requirements
12 provided in article two-d, chapter sixteen of this code;

13 (e) Sales and transfers under this section are exempt from Medicaid rules and policies;

14 (f) The Director of the Division of Personnel shall create a plan and coordinate with the
15 secretary to create a strategy to minimize the effects on employees.

16 (g) The secretary shall prepare a complete accounting of all assets to the Joint Committee
17 on Government and Finance and the Legislative Oversight Commission on Health and Human
18 Resources Accountability (LOCHHRA).

19 (h) The “Health Care Facilities Liquidation Fund” as created in section twenty five of this
20 article shall be used to effectuate to purpose of this section.

21 (i) This section shall be construed broadly as to provide the secretary with the latitude to
22 accomplish the goals of this section.

23 (j) Hopemont Hospital may not increase the number of patients currently residing or being
24 treated at the facility.

25 (k) The Secretary shall sell the vacant beds, as of the effective date of this section, by July
26 1, 2017.

NOTE: The purpose of this bill is to permit the Secretary of DHHR to sell Hopemont Hospital and its assets.

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