

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2366**

BY DELEGATES ELLINGTON AND SUMMERS

[Introduced February 13, 2017; Referred  
to the Committee on Health and Human Resources  
then Finance. ]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §9-5-25, relating to the selling of certain state owned health care facilities by  
 3 the Secretary of the Department of Health and Human Resources; exempting certain laws;  
 4 creating a fund; and providing statutory construction.

*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 §9-5-25, to read as follows:

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-25. Selling of state owned health care facilities.**

1 (a) The Secretary of the Department of Health and Human Resources shall 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 Jackie Withrow Hospital by December 31, 2017.

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.

18 (h) There is created in the State Treasury a special revenue account to be known as the  
19 “Health Care Facilities Liquidation Fund.” The fund shall consist of appropriations to effectuate  
20 the purposes of this section and any revenue or sales proceeds derived from activities provided  
21 for in accordance with this section. Expenditures from the fund are for the purposes set forth in  
22 this section and are not authorized from collections but are to be made only in accordance with  
23 appropriation by the Legislature and in accordance with the provisions of article three, chapter  
24 twelve of this code.

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

NOTE: The purpose of this bill is to require the selling of Jackie Withrow Hospital by the Secretary of the Department of Health and Human Resources.

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