

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2736**

BY DELEGATE ELLINGTON AND E. NELSON

[Introduced February 28, 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 long-term care facilities  
3 by the Secretary of the Department of Health and Human Resources; creating in the State  
4 Treasury a special revenue account to be known as the “Health Care Facilities Liquidation  
5 Fund”; requiring the secretary to prepare an accounting of all such assets, and providing  
6 that expenditures from the fund are not authorized from collections deposited in the fund  
7 but are to be made only in accordance with appropriation by the Legislature.

*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 is hereby authorized  
2 on behalf of the State of West Virginia to divest the state of long-term care facilities managed,  
3 directed, controlled and governed by the secretary, including:

4 (1) Land, buildings and improvements;

5 (2) Equipment, furniture and fixtures;

6 (3) Other physical assets, including records, databases, inventory and any other items  
7 utilized in the operation of the facilities;

8 (4) Employment, patient and contractual interests;

9 (5) Licenses; and

10 (6) All other assets excluding any cash, cash equivalents and marketable securities.

11 (b) This section is not subject to the purchasing requirements of article three, chapter five-  
12 a of this code.

13 (c) Sells and transfers under this section are exempt from certificate of need requirements  
14 provided in article two-d, chapter sixteen of this code;

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

17           (e) The secretary shall prepare a complete accounting of all assets to the Joint Committee  
18 on Government and Finance. At a minimum, the secretary shall track the location and the revenue  
19 from selling the skilled nursing home bed and share that information with the Health Care  
20 Authority.

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

28           (g) This section shall be liberally construed to effectuate the purposes thereof.

NOTE: The purpose of this bill is to authorize the selling of state-owned long-term care facilities 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.