

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4557

BY DELEGATE HILL

(BY REQUEST OF THE DEPARTMENT OF HEALTH AND

HUMAN RESOURCES

[Introduced January 28, 2020; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §27-17-3 of said code, all relating to centers and institutions that
3 provide the care and treatment of mentally ill or intellectually disabled individuals and
4 group residential homes treating behaviorally disabled individuals; to include the ability to
5 impose civil money penalties against such facilities for good cause; and to update obsolete
6 terminology.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. LICENSING OF HOSPITALS.

§27-9-1. License from ~~director~~ secretary of health and human resources; regulations.

1 No hospital, center or institution, or part of any hospital, center or institution, to provide
2 inpatient, outpatient or other service designed to contribute to the care and treatment of the
3 mentally ill or intellectually disabled, or prevention of such disorders, may be established,
4 maintained or operated by any political subdivision or by any person, persons, association or
5 corporation unless a license therefor is first obtained from the Secretary of the Department of
6 Health and Human Resources. The application for such license shall be accompanied by a plan
7 of the premises to be occupied, and such other data and facts as the secretary may require. The
8 secretary may make such terms and regulations in regard to the conduct of any licensed hospital,
9 center or institution, or part of any licensed hospital, center or institution, as he or she thinks
10 proper and necessary. The secretary, or any person authorized by the secretary has authority to
11 investigate and inspect any licensed hospital, center or institution, or part of any licensed hospital,
12 center or institution, and the secretary may impose a civil money penalty, suspend, or revoke the
13 license of any hospital, center or institution, or part of any hospital, center or institution, for good
14 cause after reasonable notice to the superintendent or other person in charge of the hospital,
15 center or institution.

ARTICLE 17. GROUP RESIDENTIAL FACILITIES.

§27-17-3. License from ~~director~~ secretary of health and human resources; application; regulations; revocation.

1 (a) No group residential facility shall be established, maintained or operated unless a
2 license therefor shall be first obtained from the ~~director of health~~ Secretary of Health and Human
3 Resources, except that a group residential facility for behaviorally disabled juveniles shall be
4 deemed to satisfy all requirements of this section by obtaining a license from the ~~commissioner~~
5 ~~of human services~~ secretary. The application for such license shall contain such data and facts
6 as the director may require. The ~~director~~ secretary may promulgate reasonable regulations for
7 the conduct of such facilities, including, but not limited to, a statement of the rights of patients in
8 group residential facilities for the mentally and physically impaired to ensure the adequate care
9 and supervision of such patients, and shall have the authority to investigate and inspect any such
10 facility, and may impose a civil money penalty, suspend or revoke the license of any such facility
11 for good cause after notice and hearing.

12 (b) A group residential home is not required to obtain a license from the ~~director of health~~
13 secretary.

NOTE: The purpose of this bill is to include the ability to impose civil money penalties for good cause upon a facility providing care and treatment to mentally ill or intellectually disabled individuals and group residential homes treating behaviorally disabled individuals.

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