

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Committee Substitute

for

House Bill 4557

BY DELEGATE HILL

(BY REQUEST OF THE DEPARTMENT OF HEALTH AND

HUMAN RESOURCES)

[Passed March 7, 2020; in effect ninety days from passage.]

1 AN ACT 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 behavioral health centers and
3 group residential facilities; to include the ability to impose civil money penalties against
4 such centers and facilities for good cause; to update obsolete terminology; and requiring
5 legislative rule making.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. LICENSING OF BEHAVIORAL HEALTH CENTERS.

§27-9-1. License from Secretary of Health and Human Resources; regulations.

1 No behavioral health center shall provide behavioral health services unless a license is
2 first obtained from the Secretary of the Department of Health and Human Resources. The
3 secretary shall propose rules for legislative approval in accordance with the provisions of §29A-
4 3-1 *et seq.*, in regard to the operation of behavioral health centers. The secretary, or any person
5 authorized by the secretary, has authority to investigate and inspect any licensed behavioral
6 health center. The secretary may impose a civil money penalty, suspend, or revoke the license of
7 any center for good cause after reasonable notice, including due process rights as provided in
8 legislative rule.

ARTICLE 17. GROUP RESIDENTIAL FACILITIES.

§27-17-3. License from Secretary of Health and Human Resources; regulations; and penalties.

1 (a) No group residential facility shall be established or operated unless a license is
2 obtained from the Secretary of the Department of Health and Human Resources. The secretary
3 shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*,
4 including the operation of the group residential facility; a statement of the rights of patients in
5 group residential facilities to ensure the adequate care and supervision of patients; and shall have
6 the authority to investigate and inspect a facility, and may impose a civil money penalty, suspend

7 or revoke the license for good cause after notice, hearing, and other due process rights as
8 provided by legislative rule.

9 (b) A group residential home is not required to obtain a license from the secretary.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor