

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

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 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 ~~hospital, center or institution, or part of any hospital, center or institution,~~ behavioral
2 health center shall to provide inpatient, outpatient or other service designed to contribute to the
3 ~~care and treatment of the mentally ill or intellectually disabled, or prevention of such disorders,~~
4 ~~may be established, maintained or operated by any political subdivision or by any person,~~
5 ~~persons, association or corporation~~ behavioral health services unless a license therefor is first
6 obtained from the Secretary of the Department of Health and Human Resources. The application
7 for such license shall be accompanied by a plan of the premises to be occupied, and such other
8 data and facts as the secretary may require. The secretary shall propose rules for legislative
9 approval in accordance with the provisions of §29A-3-1 et seq., make such terms and regulations
10 in regard to ~~the conduct of any licensed hospital, center or institution, or part of any licensed~~
11 ~~hospital, center or institution, as he or she thinks proper and necessary~~ the operation of behavioral
12 health centers. The secretary, or any person authorized by the secretary, has authority to
13 investigate and inspect any licensed ~~hospital, center or institution, or part of any licensed hospital,~~
14 ~~center or institution, and~~ behavioral health center. The secretary may impose a civil money
15 penalty, suspend, or revoke the license of any ~~hospital, center or institution, or part of any hospital,~~
16 ~~center or institution, facility~~ for good cause after reasonable notice, including due process rights
17 as provided in legislative rule. ~~to the superintendent or other person in charge of the hospital,~~
18 ~~center or institution.~~

ARTICLE 17. GROUP RESIDENTIAL FACILITIES.

§27-17-3. License; application; regulations; and penalties.

1 (a) No group residential facility shall be established ~~maintained~~ or operated unless a
2 license ~~therefor shall be first~~ is obtained from the ~~director of health~~ Secretary of the Department
3 of Health and Human Resources, ~~except that a group residential facility for behaviorally disabled~~
4 ~~juveniles shall be deemed to satisfy all requirements of this section by obtaining a license from~~
5 ~~the commissioner of human services secretary.~~ The application for such the license shall contain
6 ~~such data and facts as the director may require.~~ The ~~director~~ secretary may promulgate
7 ~~reasonable regulations for the conduct of such facilities, including, but not limited to,~~ shall propose
8 rules for legislative approval in accordance with the provisions of §29A-3-1 et seq., including the
9 operation of the group residential facility; a statement of the rights of patients in group residential
10 facilities ~~for the mentally and physically impaired~~ to ensure the adequate care and supervision of
11 ~~such~~ patients; and shall have the authority to investigate and inspect ~~any such a~~ a facility, and may
12 impose a civil money penalty, suspend or revoke the license of any such facility for good cause
13 after notice, ~~and hearing,~~ and other due process rights as provided by legislative rule.

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

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