

# 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.]

HB 4557

FILED  
MAY 20 2020  
WEST VIRGINIA LEGISLATURE  
STATE HOUSE  
CHARLESTON, WEST VIRGINIA

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MAR 23 10 43 AM '20

FILED

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.

*Steve Lippert*  
.....  
Chairman, House Committee

*Mark Raymond*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Ja Linn*  
.....  
Clerk of the Senate

*Robert Sandoe*  
.....  
Speaker of the House of Delegates

*Will R. Curran*  
.....  
President of the Senate

FILED  
2020 MAR 25 P 4:37  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within *is* ..... *approved* ..... this the *25<sup>th</sup>* .....  
day of *March* ..... 2020.

*James Perine*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2020

Time 11:27am