

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**Enrolled**

**Senate Bill 767**

BY SENATORS MARONEY, TARR, AND ROBERTS

[Passed March 5, 2020; in effect 90 days from  
passage]

OFFICE OF WEST VIRGINIA  
COMPTROLLER OF STATE

2020 MAR 25 P 4: 09

FILED

SB767

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OFFICE OF THE CLERK  
WEST VIRGINIA LEGISLATURE  
CHARLESTON, WEST VIRGINIA

2020 MAR 25 10 46 09

FILED

1 AN ACT to repeal §16-5B-6a of the Code of West Virginia, 1931, as amended; and to amend and  
2 reenact §16-5B-5a of said code, relating to the licensure of hospitals; allowing hospitals  
3 to use other accrediting organizations which have been approved by the Centers for  
4 Medicare and Medicaid Services; and eliminating hospital board composition  
5 requirements.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.**

**§16-5B-5a. Accreditation reports accepted for periodic license inspections.**

1 Notwithstanding any other provision of this article, a periodic license inspection shall not  
2 be conducted by the Department of Health and Human Resources for a hospital if the hospital  
3 has applied for and received an exemption from that requirement: *Provided*, That no exemption  
4 granted diminishes the right of the Department of Health and Human Resources to conduct  
5 complaint inspections.

6 The Department of Health and Human Resources shall grant an exemption from a periodic  
7 license inspection during the year following accreditation if a hospital applies by submitting  
8 evidence of its accreditation by the Joint Commission on Accreditation of Health Care  
9 Organizations or the American Osteopathic Association, or any accrediting organization approved  
10 by the Centers for Medicare and Medicaid Services, and submits a complete copy of the  
11 accrediting organization's accreditation report.

12 If the accreditation of a hospital is for a period longer than one year, the Department of  
13 Health and Human Resources may conduct at least one license inspection of the hospital after  
14 the first year of accreditation and before the accreditation has expired and may conduct additional  
15 license inspections if needed. Hospitals receiving a three-year accreditation shall conduct annual  
16 self-evaluations using the current year accreditation manual for hospitals unless the Department  
17 of Health and Human Resources informs the hospital that the hospital will be inspected by the  
18 Department of Health and Human Resources. Hospitals are not required to conduct self-

19 evaluations for any calendar year during which they are inspected by the Department of Health  
20 and Human Resources. These self-evaluations shall be completed and placed on file in the  
21 hospital by March 31 of each year. Hospitals shall make the results of the self-evaluation available  
22 to the Department of Health and Human Resources if requested.

23 Accreditation reports filed with the Department of Health and Human Resources shall be  
24 treated as confidential in accordance with §16-5B-10 of this code.

**§16-5B-6a. Consumer majorities on hospital boards of directors.**

[Repealed.]

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

*Matt Meyer*  
.....  
Chairman, Senate Committee

*Noel Caputo*  
.....  
Chairman, House Committee

FILED  
2020 MAR 25 10 40 AM  
CLERK OF THE HOUSE OF DELEGATES

Originated in the Senate.

In effect 90 days from passage.

*Joe Linn*  
.....  
Clerk of the Senate

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

*Mike B. Cunniff*  
.....  
President of the Senate

*Ray Hample*  
.....  
Speaker of the House of Delegates

The within is approved this the 25th  
Day of March, 2020.

*James F. Fortson*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2020

Time 9:50 am