

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

### **Originating**

## **House Bill 2626**

BY DELEGATES ROHRBACH, PACK, J., LONGACRE, CRISS,

BATES, SUMMERS, REED, DEAN AND STEELE

[Originating in the Committee on Health and Human

Resources; Reported on February 18, 2021]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §9-5-27, relating to discontinuing operation of certain state facilities.

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

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-27. Discontinuing the operation of the state's long-term care facilities.**

1 (a) The state of West Virginia operates four long-term healthcare facilities throughout the  
2 state: The Manchin facility, Hopemont, Lakin and Jackie Withrow. The Manchin facility was built  
3 in 1899, Hopemont in 1913, Lakin in 1926, and Jackie Withrow in 1927. The age of the facilities  
4 results in continuous costly repairs and upgrades to ensure the safety of the residents. The costs  
5 for utilities, building maintenance and repairs, and payroll costs are not sustainable. The  
6 Legislature is accountable for the care of persons in these facilities and has a duty to ensure the  
7 facilities in which they live are maintained and safe. The Legislature can no longer ensure that  
8 the residents and employees are safe in these facilities. The Legislature finds that it is necessary  
9 to discontinue the operation of these facilities at this time.

10 (b) Hopemont Hospital, Jackie Withrow Hospital, John Manchin, Sr. Health Care Center,  
11 and Lakin Hospital may not accept new patients.

12 (c) Effective January 1, 2022, Hopemont Hospital, Jackie Withrow Hospital, John Manchin,  
13 Sr. Health Care Center, and Lakin Hospital shall discontinue operation.

14 (d) The department may not hire new salaried state employees to work at these facilities.

15 (e) State employees shall be offered to transfer to another position within state  
16 government that they are otherwise qualified for at the same rate of pay and benefits that they  
17 are currently receiving. If the employee does not transfer, that employee shall receive a  
18 severance package which includes their current salary and benefits for one year. The Division of  
19 Personnel and the Department of the Health and Human Resources shall ensure this transition  
20 occurs in a timely and seamless manner to minimize the effects on employees.

21 (f) A resident shall be transferred to a long-term care facility of his or her choosing that is

- 22 able to accommodate his or her level of care. If the resident is not able to make the decision for  
23 himself or herself and his or her medical or legal power of attorney is unable to be reached to  
24 make a final decision regarding transfer, he or she shall be transferred to the nearest location  
25 which is able to accommodate his or her level of care.

NOTE: The purpose of this bill is to discontinue operation of the state's long-term care facilities.

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