

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4660

BY DELEGATE ROHRBACH

[Introduced February 14, 2022; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-2D-9, of the Code of West Virginia, 1931, as amended, relating
2 to certificate of need; establishing the status of beds when an intermediate care facility for
3 individuals with intellectual disabilities closes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-9. Health services that cannot be developed.

1 Notwithstanding §16-2D-8 and §16-2D-11 of this code, these health services require a
2 certificate of need but the authority may not issue a certificate of need to:

3 (1) A health care facility adding intermediate care or skilled nursing beds to its current
4 licensed bed complement, except as provided in §16-2D-11(c)(23) of this code;

5 (2) A person developing, constructing, or replacing a skilled nursing facility except in the
6 case of facilities designed to replace existing beds in existing facilities that may soon be deemed
7 unsafe or facilities utilizing existing licensed beds from existing facilities which are designed to
8 meet the changing health care delivery system; and

9 (3) Add beds in an intermediate care facility for individuals with an intellectual disability,
10 except that prohibition does not apply to an intermediate care facility for individuals with
11 intellectual disabilities beds approved under the Kanawha County circuit court order of August 3,
12 1989, civil action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.V. 248, 284
13 S.E. 2d 232 (1981) including the 24 beds provided in §16-2D-8(b)(24) of this code: Provided, That
14 when an existing intermediate care facility for individuals with intellectual disabilities voluntarily or
15 involuntarily closes, those beds shall revert to the Health Care Authority to be redistributed to
16 another provider that has not received any citations related to the health, safety, welfare, or clinical
17 treatment of a consumer in the past 12 months; and

18 (4) An opioid treatment program.

NOTE: The purpose of this bill is to establish the status of beds when an intermediate care facility for individuals with intellectual disabilities closes.

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