

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2427

By Delegate Rohrbach

[Introduced January 11, 2023; 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 intellectual
 11 disabilities beds approved under the Kanawha County circuit court order of August 3, 1989, civil
 12 action number MISC-81-585 issued in the case of E.H. v. Matin, 168 W.V. 248, 284 S.E. 2d 232
 13 (1981) including the 24 beds provided in §16-2D-8(b)(24) of this code: Provided, That when an
 14 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.