

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 679

By Senators Tarr, Woelfel, Plymale, and Roberts

[Passed March 06, 2023; in effect from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §27-9-2, relating to forensic group homes; requiring the office to propose
3 legislative rules; setting forth requirements on where a forensic group home may be
4 located; requiring emergency rules; and providing for variance for existing providers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. LICENSING OF HOSPITALS.

§27-9-2. Forensic group homes.

1 The Office of the Inspector General shall propose rules for legislative approval in
2 accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency
3 rules pursuant to the provisions of §29A-3-15 of this code to amend the Behavioral Health Centers
4 Licensure Rule, W.Va. C.S.R. §64-11-1 *et seq.* (hereinafter the "rule"), to implement the
5 requirements of this section after consultation with appropriate stakeholders.

6 (1) The Office of the Inspector General shall amend the rule to include that the forensic
7 group home shall not be located within one mile of a residential area, a public or private licensed
8 day care center, or a public or private k-12 school learning pods and micro-schools.

9 (2) The Office of the Inspector General may grant a variance to an existing forensic group
10 home referenced in subdivision (1) of this section only if the facility demonstrates that it has
11 adequate patient population controls and that it otherwise meets the requirements set forth in the
12 amended rule.