WEST VIRGINIA CODE: §16-59-4

§16-59-4. Registration of recovery residences.

(a) Prior to conducting business in the State of West Virginia a recovery residence shall register with the Office of Health Facility Licensure and Certification. The director shall make an application form available on its publicly accessible internet website that includes a request for the following information:

(1) The identity, address, and telephone number of the applicant;

(2) The name, business address, and telephone number of the contact person for the applicant;

(3) When applicable, the federal employer identification number for the applicant; and

(4) Any other information the director considers necessary and appropriate to establish a complete registration of an applicant.

(b) Term and fee. —

(1) The terms of registration shall be one year from the date of issuance;

(2) The fee shall be submitted by the applicant with an application for registration. An application fee for initial registration or renewal registration fee is nonrefundable;

(3) The amount of the initial registration fee and the renewal registration fee is $250: *Provided*, That the director may annually adjust the initial and renewal registration fee for inflation based upon the consumer price index.

(c) Registration. —

(1) The director shall issue a registration, as appropriate, to an applicant when the director determines an applicant has submitted a complete application and paid the required registration fee.

(2) The registration may be in paper or electronic form, is nontransferable, and shall prominently list the expiration date of the registration.

(3) A list of all recovery residences shall be made available on the director's publicly accessible internet website.

(d) Penalties. —

(1) A civil monetary penalty of up to $20,000 a day may be assessed against an owner who

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operates, owns, or manages an unregistered recovery residence. Each day of the continuing violation after the civil monetary penalty is assessed may be considered a separate violation. The initial notice of non-compliance shall be provided to the owner via certified mail, return receipt requested.

(B) If the recovery residence is not registered within 30 days from the date of receipt of the initial notice, the director shall notify the certifying agency to revoke the recovery residence's certificate of compliance, issued pursuant to §16-59-2 of this code, for non-compliance with this section.

(C) If the recovery residence is not registered within 30 days from the date of receipt of the initial notice, and if such recovery residence does not have a certificate of compliance, then the director shall issue a closure notice to the recovery residence for non-compliance with this section.

(e) Due process. —

(1) Within 10 days of the date of receipt of a notice provided pursuant to subsection (d), the recovery residence's owner may submit a request for an administrative hearing before the Board of Review for an informal meeting to address the notice and the reason stated therefor.

(2) The recovery residence's owner or owners and the Office of Health Facility Licensure and Certification will be entitled to representation by legal counsel at the informal meeting and at the administrative hearing at their own expense, respectively.

(3) All of the pertinent provisions of §29A-5-1 *et seq*. of this code and applicable legislative rules governing administrative hearings for the Board of Review shall apply to and govern any formal hearing authorized by this article.

(4) If the recovery residence's owner fails to request a hearing within the time frame specified, he or she shall be subject to the full limitation, enforcement action, penalty, or any combination thereof, imposed pursuant to this section.

(5) The filing of a request for an administrative hearing or an informal meeting does not stay or supersede the enforcement of a limitation, enforcement action, penalty, or any combination thereof, imposed pursuant to this section.

(6) Any party who is dissatisfied with the decision of the Board of Review as a result of a formal hearing provided in this section, may within 30 days after receiving notice of the decision, petition the West Virginia Intermediate Court of Appeals, in term or vacation, for judicial review of the decision.

(7) The court may affirm, modify, or reverse, the decision of the Board of Review and either the applicant or the registrant, or the Inspector General may appeal the court's decision to the West Virginia Supreme Court of Appeals.

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(8) Notwithstanding the existence of, or pursuant to any other remedy, the Inspector General may, in the manner provided by law, maintain an action in the name of the state for an injunction against any person, partnership, association, or corporation, to restrain or prevent the establishment, conduct, management, or operation of any recovery residence for violation of any provision of this section or any rule lawfully promulgated thereunder without first obtaining a registration in the manner herein provided.

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