WEST VIRGINIA CODE: §27-2A-1

§27-2A-1. Comprehensive community mental health-intellectual disability centers; establishment, operation and location; access to treatment.

(a) The Department of Human Services is directed to establish, maintain and operate comprehensive community mental health centers and comprehensive intellectual disability facilities, at locations within the state that are determined by the secretary in accordance with the state's comprehensive mental health plan and the state's comprehensive intellectual disability plan. Such facilities may be integrated with a general health care or other facility or remain separate as the Secretary of the Department of Human Services may by rules prescribe: *Provided*, That nothing contained herein may be construed to allow the Department of Human Services to assume the operation of comprehensive regional mental health centers or comprehensive intellectual disability facilities which have been heretofore established according to law and which, as of the effective date of this article, are being operated by local nonprofit organizations.

(b) Any new mental health centers and comprehensive mental retardation facilities herein provided may be operated and controlled by the Department of Human Services or operated, maintained and controlled by local nonprofit organizations and licensed according to rules promulgated by the Secretary of the Department of Human Services. All comprehensive regional mental health and intellectual disability facilities licensed in the state shall:

(1) Have a written plan for the provision of diagnostic, treatment, supportive and aftercare services, and written policies and procedures for implementing these services;

(2) Have sufficient employees appropriately qualified to provide these services;

(3) Maintain accurate medical and other records for all patients receiving services;

(4) Render outpatient services in the aftercare of any patient discharged from an inpatient hospital, consistent with the needs of the individual. No person who can be treated as an outpatient at a community mental health center may be admitted involuntarily into a state hospital.

(5) Have a chief administrative officer directly responsible to a legally constituted board of directors of a comprehensive mental health or intellectual disability facility operated by a local nonprofit organization, or to the Secretary of the Department of Human Services if the comprehensive mental health or intellectual disability center or facility is operated by the Department of Human Services; and

(6) Have a written plan for the referral of patients for evaluation and treatment for services not provided.

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The state's share of costs of operating the facilities may be provided from funds appropriated for this purpose within the budget of the Department of Human Services. The Secretary of the Department of Human Services shall administer these funds among all comprehensive mental health and intellectual disability facilities that are required to best provide comprehensive community mental health care and services to the citizens of the state.

After July 1, but not later than August 1 of each year, the chief administrative officer of each comprehensive regional mental health center and intellectual disability facility shall submit a report to the Secretary of the Department of Human Services and to the Legislative Auditor containing a listing of:

(1) All funds received by the center or facility;

(2) All funds expended by the center or facility;

(3) All funds obligated by the center or facility;

(4) All services provided by the center or facility;

(5) The number of persons served by the center or facility; and

(6) Other information as the Secretary of the Department of Human Services prescribes by regulation.

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