
WEST VIRGINIA CODE CHAPTER 27
ARTICLE 9

WV Legislature

§27-9-1. License; regulations.

No behavioral health center shall provide behavioral health services unless a license is first obtained from the Secretary of the Office of Health Facility Licensure and Certification. The director of the Office of Health Facility Licensure and Certification shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*, in regard to the operation of behavioral health centers. The director, or any person authorized by the director, has authority to investigate and inspect any licensed behavioral health center. The director may impose a civil money penalty, suspend, or revoke the license of any center for good cause after reasonable notice, including due process rights as provided in legislative rule.

§27-9-2. Forensic group homes.

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

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

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