WEST VIRGINIA CODE: §64-5A-1

§64-5A-1. Department of Human Services.

(a) The legislative rule filed in the State Register on September 13, 2024, authorized under the authority of §16-59-2 of this code, modified by the Department of Human Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 26, 2024, relating to the Department of Human Services (Recovery Residence Certification and Accreditation Program, 69 CSR 15), is authorized with the amendments set forth below:

On page 6, subsection 6.4., after the period by inserting the words "The information regarding how to make a complaint with the Office of Health Facility Licensure and Certification and regarding human trafficking, as approved and provided by the Office of Health Facility Licensure and Certification on their website, shall be posted in a common area in each recovery residence."; On page 6, subdivision 6.5.5., by striking out the word "and";

On page 6, after subdivision 6.5.6., by adding two new subdivisions, designated as subdivision 6.5.7. and 6.5.8. to read as follows:

6.5.7. Disclose and list any other healthcare facility and recovery residence owned or managed by the applicant in any state in the United States; and

6.5.8. Disclose whether the applicant is part of any lawsuit or regulatory action in any state in the United States related to patient care, human trafficking, labor exploitation, or financial misconduct.;

On page 9, after subsection 6.16., by inserting two new subsections, designated as subsection 6.17. and subsection 6.18. to read as follows:

6.17. Resident Exit Survey

6.17.1. Upon discharge of a resident, the recovery residence shall provide to the discharged resident a link or QR code for the resident to be able to complete an exit survey in a form to be prescribed by the Office of Health Facility Licensure and Certification.

6.18. Referral of Complaints

6.18.1. The Office of Health Facility Licensure and Certification, the certifying agency, and the West Virginia Fusion Center may refer complaints and information received among each other and with law enforcement and criminal justice support agencies, as appropriate.;

And,

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By renumbering the remaining subsections.

On page 11, subdivision 6.20.2., by striking out the words "certifying agency" and inserting in lieu thereof the word "Director";

And,

On pages 12 through 13, by striking out all of subsection 7.1. and inserting in lieu thereof a new subsection 7.1. to read as follows:

7.1. All recovery residences shall submit the following data to the Office of Health Facility Licensure and Certification as described in this section:

7.1.1. The state residency or citizenship of each individual resident;

7.1.2. Whether the resident is receiving medication-assisted treatment and the name of the treatment provider, along with any and all referral, profit sharing, or any other agreements between the participant, recovery residence, or provider, or any combination thereof;

7.1.3. The specific source of all referrals the recovery residence received;

7.1.4. The number of hours the resident volunteered or worked for any business, organization, or other entity that is owned, in whole or in part, or affiliated with the recovery residence, any parent company, or employee, as a condition or part of the resident’s stay at the recovery residence, the hourly rate the resident is paid for any such work, and the total amount of payments or benefits received from the resident’s work;

7.1.5. The monthly rent the resident paid, any rent paid by a third party or outside source, and any rent reductions, including but not limited to, no rent or deferred rent, the resident received for working or volunteering, or any other reasons;

7.1.6. The length of the resident’s stay and, if known, where the resident went after leaving the residence, and reason the resident left;

7.1.7. Whether the resident is receiving any other behavioral health treatment and the name of the treatment provider, along with any and all referral, profit sharing, or any other agreements between the participant, recovery residence, or provider, or any combination thereof;

7.1.8. Retain copies of all leases or participation agreement or terms required of any participant that have been provided to new participants or signed by any participant during the reporting period, for five years after the resident leaves the recovery residence and make them available to the Office of Inspector General and Department of Human Services upon request;

7.1.9. Retain copies of any agreements for referrals, financial compensation, or any

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agreement between a recovery residence and a provider of treatment which have been in effect during the reporting period, for five years after the resident leaves the recovery residence and make them available to the Office of Inspector General and Department of Human Services upon request; and

7.1.10. Any other information the Director of the Office of Health Facility Licensure and Certification may require to analyze the performance of the recovery residence and determine if patient brokering, human trafficking, or other criminal activity is occurring.

(b) The legislative rule filed in the State Register on October 22, 2024, authorized under the authority of §9-3-6 of this code, relating to the Department of Human Services (pilot program for drug screening of applicants for cash assistance, 78 CSR 26), is authorized.

(c) The Legislature directs the Department of Human Services to amend the legislative rule filed in the State Register on May 11, 2021, authorized under the authority of §49-2-121 of this code, relating to the Department of Human Services (child placing agencies licensure, 78 CSR 02), is authorized with the amendment set forth below:

On page 1, subsection 1.5. by striking out the number "2026" and inserting in lieu thereof the number "2031";

On page 29, by striking out all of paragraph 13.2.1.b.;

And,

Renumbering the remaining paragraphs accordingly.

WV Legislature