

RECEIVED

96 APR -2 PM 4:49

CLERK OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

— ● —

ENROLLED

HOUSE BILL No. 4645

(By Delegate Leggett, Haskins, Yeager
and Osborne)

— ● —

Passed March 9 1996

In Effect From Passage

RECEIVED

96 APR -2 PM 4:49

DEPT. OF HEALTH & HUMAN RESOURCES
STATE OF WEST VIRGINIA

ENROLLED

H. B. 4645

(BY DELEGATES LEGGETT, HASKINS, YEAGER AND OSBORNE)

[Passed March 9, 1996; in effect from passage.]

AN ACT to amend and reenact section one-b, article two, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the closure of the Colin Anderson Center; changing the closure date to the fifteenth day of March, one thousand nine hundred ninety-seven; providing for ongoing appropriate care; placement and transfer of residents of Colin Anderson Center; transfer of funds for the design and implementation of placement plan; creation of a special revenue account; required reports from the secretary of the department of health and human resources; training of employees whose jobs have been terminated; expediting certificates of need by the health care cost review authority; and establishing a subcommittee of the joint committee on government and finance to monitor the placement and care of transferred residents.

Be it enacted by the Legislature of West Virginia:

That section one-b, article two, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. MENTAL HEALTH FACILITIES.

§27-2-1b. Deinstitutionalization of residents at Colin Anderson.

- 1 (a) Notwithstanding any other provisions in this code
- 2 to the contrary, the secretary of the department of health
- 3 and human resources shall close the Colin Anderson Cen-

4 ter on or before the fifteenth day of March, one thou-
5 sand nine hundred ninety-seven: *Provided*, That prior to
6 any transfer of any resident from Colin Anderson Center
7 as a result of action taken pursuant to this section, the
8 secretary must design and be able to implement a detailed
9 plan providing for the ongoing appropriate care, place-
10 ment and transfer of the resident in accordance with sub-
11 section (b) of this section.

12 (b) The plan for providing for the ongoing appropri-
13 ate care, placement and transfer of each resident at Colin
14 Anderson Center shall be designed in accordance with the
15 criteria set forth in this subsection. Each resident must
16 have a plan of service developed to meet his or her indi-
17 vidual medical, physical and emotional needs. The plan of
18 service shall be developed by a team which shall include,
19 but not be limited to, the following persons: The resident,
20 the immediate family of the resident, if the immediate
21 family of the resident is willing to participate; the guardian
22 of the resident, if the guardian is willing to participate;
23 representatives of the Colin Anderson Center; community
24 behavioral health service providers; and such other per-
25 sons as may be appointed to the team by the secretary of
26 the department of health and human resources. The plan
27 shall not compromise the health, safety and well-being of
28 the resident. The plan shall be implemented in a timely
29 manner. However, no plan shall be implemented until the
30 needed services are in place, adequate staff training has
31 been completed and an appropriate transition has been
32 provided. Each resident, or his or her guardian, shall have
33 access to and be informed of the written appeal process
34 which shall be established by the department of health and
35 human resources.

36 (c) In designing and implementing the placement
37 plan, the secretary of the department of health and human
38 resources shall transfer funds from the hospital services
39 revenue account created pursuant to section fifteen-a,
40 article one, chapter sixteen of this code and the consolidat-
41 ed medical service fund to a special revenue account creat-
42 ed in the state treasury, designated the "Colin Anderson
43 Transfer Fund" for the specific purposes of caring for
44 residents in alternative placement settings: *Provided*, That

45 transfers in excess of a total of ten million dollars in any
46 one fiscal year require the prior approval of the governor
47 and shall be reported immediately to the joint committee
48 on government and finance. Moneys deposited in the
49 "Colin Anderson Transfer Fund" shall be expended direct-
50 ly from the fund for payments related to care of persons
51 affected by the provisions of this section and may be ex-
52 pended by the transfer of moneys from this fund to match
53 the state's share of medicaid payments necessary to effec-
54 tuate the purposes of this section. The secretary of the
55 department of health and human resources shall prepare a
56 quarterly report of all transfers made from the hospital
57 services revenue account and the consolidated medical
58 service fund explaining the specific reason for the trans-
59 fer. The reports shall be submitted to the joint committee
60 on government and finance upon their completion. In
61 submitting a budget to the Legislature for the fiscal year
62 following the closure of Colin Anderson, the secretary of
63 the department of health and human resources shall in-
64 clude funding necessary for the continued care of each
65 resident in the appropriate account and the authority of
66 the secretary of the department of health and human re-
67 sources to transfer funds pursuant to this section shall be
68 void and of no further effect.

69 (d) All savings accruing to the state as a result of ac-
70 tions taken pursuant to this section shall be deposited in
71 the medical services trust fund established by section
72 two-a, article four-a, chapter nine of this code.

73 (e) The secretary of the department of health and
74 human resources shall make monthly reports to the joint
75 committee on government and finance regarding the
76 placement and monitoring of all residents placed from
77 Colin Anderson Center pursuant to the provisions of this
78 section. The report shall include, but not be limited to, the
79 following information: (1) The types of financing and
80 start up funds expended for relocation; (2) the costs in-
81 curred during the month for the placement, relocation and
82 maintenance of each resident; (3) a description of the
83 transition process planned for each resident and the results
84 of any trial visits by the resident; (4) a description of the
85 facility into which any resident is to be placed; (5) infor-

86 mation regarding the dislocation of any individual pres-
87 ently occupying a bed at an intermediate care facility for
88 the mentally retarded and the ultimate placement of the
89 dislocated individual; (6) information regarding the use of
90 day programming and employment; (7) identification of
91 medical providers by type, prior to and following the
92 relocation of each resident from Colin Anderson Center;
93 (8) serious injury and mortality, other than from natural
94 cause, reports for relocated residents, provided in a man-
95 ner to protect the confidentiality of the residents; (9) a
96 comparison of the needs assessment and medical and
97 social resources identified for each resident prior to relo-
98 cation and after relocation; and (10) such other informa-
99 tion the secretary of the department of health and human
100 resources considers appropriate or is specifically requested
101 by the joint committee on government and finance.

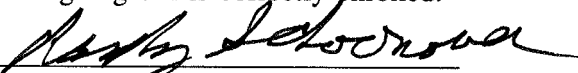
102 (f) The department of health and human resources, the
103 bureau of employment programs, the public employees
104 retirement system, the public employees insurance agency,
105 any state agency or local community action agency re-
106 ceiving job training partnership act funds and any other
107 agency of the state involved with benefits or services to the
108 unemployed shall work individually with all employees
109 whose jobs have been terminated by this section in order
110 to recommend benefits, services, training, interagency
111 employment transfer or other employment. The secretary
112 of the department of health and human resources and the
113 secretaries of all other state departments shall use their best
114 efforts to employ qualified employees who were em-
115 ployed at the facility immediately prior to its closure:
116 *Provided*, That notwithstanding any other provision of this
117 code to the contrary, in filling vacancies at other facilities
118 or other state agencies, the secretary of the department of
119 health and human resources and the secretaries of the
120 other departments shall, for a period of twelve months
121 after the closure, give preference over all but existing
122 employees to qualified employees who were permanently
123 employed at the facility immediately prior to its closure:
124 *Provided, however*, That qualified persons who were per-
125 manently employed at Colin Anderson immediately prior
126 to its closure shall not supersede those employees with


127 recall rights in other state agencies. The secretary of the
128 department of health and human resources is directed to
129 encourage vendors providing mental health related servic-
130 es for the department to hire employees who were separat-
131 ed from service as a result of the closure of Colin Ander-
132 son.

133 (g) In order to assist the department of health and
134 human resources in completing the transfer of residents at
135 Colin Anderson Center to some other appropriate place-
136 ment by the fifteenth day of March, one thousand nine
137 hundred ninety-seven, the health care cost review authority
138 is authorized and required to expedite any certificate of
139 need review of group homes or other facilities that are
140 necessitated as a direct result of the required closure of
141 Colin Anderson Center. For the purposes of this subsection
142 only, the health care cost review authority may de-
143 crease any time limitations or other requirements set forth
144 in section seven, article two-d, chapter sixteen of this code:
145 *Provided*, That in no event may the health care cost review
146 authority fail to follow any other provision of that article.
147 The secretary of the department of health and human
148 resources shall provide the health care cost review authori-
149 ty with a list of the applications that are to be expedited
150 under this subsection.

151 (h) The Legislature shall establish a subcommittee of
152 the joint committee on government and finance to moni-
153 tor the placement and care of residents transferred from
154 Colin Anderson Center as a result of the provisions of this
155 section. The subcommittee shall monitor both state and
156 federal moneys expended as a result of the implementa-
157 tion of this section. The subcommittee, upon approval by
158 the joint committee and when the terms of the visitation
159 are in compliance with any applicable law or rule regard-
160 ing confidentiality and privacy of the residents, may visit
161 any facility or placement location.

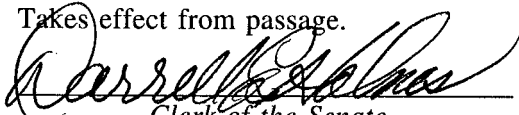
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

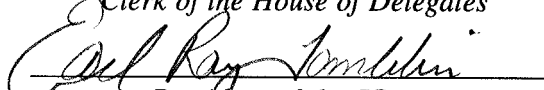

Chairman House Committee

Originating in the House.

Takes effect from passage.

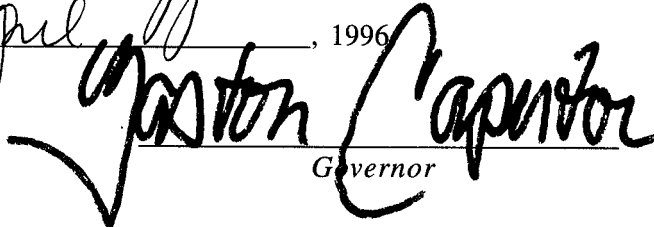

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is disapproved this the 1st
day of April, 1996


Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/96

Time 2:50 pm