WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

HOUSE BILL No. 4645

(By Delegates Leggett, Haskins, Yzaguirre 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 to the contrary, the secretary of the department of health and human resources shall close the Colin Anderson Cen-
(b) The plan for providing for the ongoing appropriate care, placement and transfer of each resident at Colin Anderson Center shall be designed in accordance with the criteria set forth in this subsection. Each resident must have a plan of service developed to meet his or her individual medical, physical and emotional needs. The plan of service shall be developed by a team which shall include, but not be limited to, the following persons: The resident, the immediate family of the resident, if the immediate family of the resident is willing to participate; the guardian of the resident, if the guardian is willing to participate; representatives of the Colin Anderson Center; community behavioral health service providers; and such other persons as may be appointed to the team by the secretary of the department of health and human resources. The plan shall not compromise the health, safety and well-being of the resident. The plan shall be implemented in a timely manner. However, no plan shall be implemented until the needed services are in place, adequate staff training has been completed and an appropriate transition has been provided. Each resident, or his or her guardian, shall have access to and be informed of the written appeal process which shall be established by the department of health and human resources.

(c) In designing and implementing the placement plan, the secretary of the department of health and human resources shall transfer funds from the hospital services revenue account created pursuant to section fifteen-a, article one, chapter sixteen of this code and the consolidated medical service fund to a special revenue account created in the state treasury, designated the "Colin Anderson Transfer Fund" for the specific purposes of caring for residents in alternative placement settings: Provided, That
transfers in excess of a total of ten million dollars in any one fiscal year require the prior approval of the governor and shall be reported immediately to the joint committee on government and finance. Moneys deposited in the "Colin Anderson Transfer Fund" shall be expended directly from the fund for payments related to care of persons affected by the provisions of this section and may be expended by the transfer of moneys from this fund to match the state's share of medicaid payments necessary to effectuate the purposes of this section. The secretary of the department of health and human resources shall prepare a quarterly report of all transfers made from the hospital services revenue account and the consolidated medical service fund explaining the specific reason for the transfer. The reports shall be submitted to the joint committee on government and finance upon their completion. In submitting a budget to the Legislature for the fiscal year following the closure of Colin Anderson, the secretary of the department of health and human resources shall include funding necessary for the continued care of each resident in the appropriate account and the authority of the secretary of the department of health and human resources to transfer funds pursuant to this section shall be void and of no further effect.

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

(e) The secretary of the department of health and human resources shall make monthly reports to the joint committee on government and finance regarding the placement and monitoring of all residents placed from Colin Anderson Center pursuant to the provisions of this section. The report shall include, but not be limited to, the following information: (1) The types of financing and start up funds expended for relocation; (2) the costs incurred during the month for the placement, relocation and maintenance of each resident; (3) a description of the transition process planned for each resident and the results of any trial visits by the resident; (4) a description of the facility into which any resident is to be placed; (5) infor-
mation regarding the dislocation of any individual presently occupying a bed at an intermediate care facility for
the mentally retarded and the ultimate placement of the
dislocated individual; (6) information regarding the use of
day programming and employment; (7) identification of
medical providers by type, prior to and following the
relocation of each resident from Colin Anderson Center;
(8) serious injury and mortality, other than from natural
cause, reports for relocated residents, provided in a man-
ner to protect the confidentiality of the residents; (9) a
comparison of the needs assessment and medical and
social resources identified for each resident prior to relo-
cation and after relocation; and (10) such other informa-
tion the secretary of the department of health and human
resources considers appropriate or is specifically requested
by the joint committee on government and finance.

(f) The department of health and human resources, the
bureau of employment programs, the public employees
retirement system, the public employees insurance agency,
any state agency or local community action agency re-
ceiving job training partnership act funds and any other
agency of the state involved with benefits or services to the
unemployed shall work individually with all employees
whose jobs have been terminated by this section in order
to recommend benefits, services, training, interagency
employment transfer or other employment. The secretary
of the department of health and human resources and the
secretaries of all other state departments shall use their best
efforts to employ qualified employees who were em-
ployed at the facility immediately prior to its closure:
Provided, That notwithstanding any other provision of this
code to the contrary, in filling vacancies at other facilities
or other state agencies, the secretary of the department of
health and human resources and the secretaries of the
other departments shall, for a period of twelve months
after the closure, give preference over all but existing
employees to qualified employees who were permanently
employed at the facility immediately prior to its closure:
Provided, however, That qualified persons who were per-
manently employed at Colin Anderson immediately prior
to its closure shall not supersede those employees with
recall rights in other state agencies. The secretary of the
department of health and human resources is directed to
courage vendors providing mental health related servic-
es for the department to hire employees who were separat-
ed from service as a result of the closure of Colin And-
son.

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

(h) The Legislature shall establish a subcommittee of
the joint committee on government and finance to moni-
tor the placement and care of residents transferred from
Colin Anderson Center as a result of the provisions of this
section. The subcommittee shall monitor both state and
federal moneys expended as a result of the implementa-
tion of this section. The subcommittee, upon approval by
the joint committee and when the terms of the visitation
are in compliance with any applicable law or rule regard-
ing confidentiality and privacy of the residents, may visit
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 3/27/36
Time 2:50 PM