

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Committee Substitute

for

House Bill 4557

BY DELEGATE HILL

(BY REQUEST OF THE DEPARTMENT OF HEALTH AND

HUMAN RESOURCES)

[Passed March 7, 2020; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 P 4: 37

FILED

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1 AN ACT to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §27-17-3 of said code, all relating to behavioral health centers and
3 group residential facilities; to include the ability to impose civil money penalties against
4 such centers and facilities for good cause; to update obsolete terminology; and requiring
5 legislative rule making.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. LICENSING OF BEHAVIORAL HEALTH CENTERS.

§27-9-1. License from Secretary of Health and Human Resources; regulations.

1 No behavioral health center shall provide behavioral health services unless a license is
2 first obtained from the Secretary of the Department of Health and Human Resources. The
3 secretary shall propose rules for legislative approval in accordance with the provisions of §29A-
4 3-1 *et seq.*, in regard to the operation of behavioral health centers. The secretary, or any person
5 authorized by the secretary, has authority to investigate and inspect any licensed behavioral
6 health center. The secretary may impose a civil money penalty, suspend, or revoke the license of
7 any center for good cause after reasonable notice, including due process rights as provided in
8 legislative rule.

ARTICLE 17. GROUP RESIDENTIAL FACILITIES.

§27-17-3. License from Secretary of Health and Human Resources; regulations; and penalties.

1 (a) No group residential facility shall be established or operated unless a license is
2 obtained from the Secretary of the Department of Health and Human Resources. The secretary
3 shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*,
4 including the operation of the group residential facility; a statement of the rights of patients in
5 group residential facilities to ensure the adequate care and supervision of patients; and shall have
6 the authority to investigate and inspect a facility, and may impose a civil money penalty, suspend

7 or revoke the license for good cause after notice, hearing, and other due process rights as
8 provided by legislative rule.

9 (b) A group residential home is not required to obtain a license from the secretary.

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

Steve Lippert
.....
Chairman, House Committee

Mark Raymond
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harris
.....
Clerk of the House of Delegates

Ja Linn
.....
Clerk of the Senate

Robert Sandoe
.....
Speaker of the House of Delegates

Will R. Curran
.....
President of the Senate

FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within *is* *approved* this the *25th*
day of *March* 2020.

James Owens
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2020

Time 11:27am