

Steps for New Agencies to Become Service Providers in West Virginia

West Virginia Health Care Authority - Certificate of Need (CON)

In West Virginia, all health care providers, unless otherwise exempt, must obtain a CON before (1) adding or expanding health care services, (2) exceeding the capital expenditure threshold of \$5,803,788, (3) obtaining major medical equipment valued at \$5,803,788 or more, or (4) developing or acquiring new health care facilities.

The statutorily mandated CON review process primarily includes the determination of need, consistency with the State Health Plan, and financial feasibility. Need is determined using CON Standards, which generally include population-based quantifiable need methodologies. Financial feasibility includes the evaluation of the reasonableness of proposed charges to patients and the determination as to whether the expense and revenue projections demonstrate fiscal viability for the proposed project. Other review criteria include quality, accessibility, and continuum of care.

However, House Bill 4365, which was signed into law during the regular legislative session of 2016, and HB 2459, which was signed into law during the regular legislative session of 2017, among other things include a long list of new exemptions to the CON process, including but not limited to:

A behavioral health service selected by the Department of Health and Human Resources in response to its request for application for services intended to return children currently placed in out-of-state facilities to the state or to prevent placement of children in out-of-state facilities is not subject to a certificate of need;

The establishing of a health care facility or offering of health services for children under one year of age suffering from Neonatal Abstinence Syndrome;

The construction, development, acquisition or other establishment of community mental health and intellectual disability facility;

Providing behavioral health facilities and services; and,

The construction, development, acquisition or other establishment of an alcohol or drug treatment facility and drug and alcohol treatment services unless the construction, development, acquisition or other establishment is an opioid treatment facility or programs as set forth in subdivision (4) of section nine of this article;

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The CON behavioral health standards can be found on the Health Care Authority website at:
http://www.hca.wv.gov/certificateofneed/Documents/CON_Standards/Behavioral_Health.pdf

Exemptions from Certificate of Need

Pursuant to W.Va. Code § 16-2D-11(a), to obtain an exemption under this section a person shall:

- (1) File an exemption application; and
- (2) Provide a statement detailing which exemption applies and the circumstances justifying the approval of the exemption.

CON Filing Fees

Request for a determination of reviewability [Pursuant to W. Va. Code § 16-2D-7]

- \$100

CON application [Pursuant to W.Va. Code § 16-2D-13(b)(2)]

- Up to \$1,500,000 a fee of \$1,500
- From \$1,500,001 to \$5,000,000 a fee of \$5,000
- From \$5,000,001 to \$25,000,000 a fee of \$25,000
- From \$25,000,001 and above a fee of \$35,000

The authority has forty-five days to review the exemption request. The authority may not hold an administrative hearing to review the application. A person may not file an objection to the request for an exemption. The applicant may request or agree with the authority to a fifteen-day extension of the timeframe. If the authority does not approve or deny the application within forty-five days, then the exemption is immediately approved. If the authority denies the approval of the exemption, only the applicant may appeal the authority's decision to the Office of Judges or refile the application with the authority.

Agencies may call 304-558-7000 Ext. 231 or go to <http://www.hcawv.org/> for more information. Tim Adkins is the director of this program and can be reached at (304) 558-7000 Ext. 241 or via e-mail at TADKINS@HCAWV.ORG

Office of Health Facility Licensure and Certification - Behavioral Health Center License

The steps to become a licensed behavioral health center are as follows:

1. Apply and receive a Certificate of Need (CON) or exemption for any new proposed health care service in West Virginia through the [West Virginia Health Care Authority](http://www.hcawv.org/). For more information, visit the [West Virginia Health Care Authority](http://www.hcawv.org/) web site at www.hcawv.org.
2. For any new construction or renovation to be utilized as a licensed health care facility, you must contact the [Office of Health Facility Licensure and Certification \(OHFLAC\) Life Safety Program](#). **All building sites and architectural plans for both new construction and renovations must be approved by OHFLAC prior to construction. In addition, occupancy of a new health care facility or renovations to an existing health care facility must be inspected and approved prior to occupancy being granted.** You may contact the [OHFLAC Life Safety Program](#) at [304-558-0050](tel:304-558-0050).
 - a. All new construction is required to have a site inspection by the [OHFLAC Life Safety Program](#) to ensure the location has the proper utilities and meets safety requirements.

- A [Site Inspection Request form](#) is available on the [Behavioral Health Center Forms & Tools page](#).
- b. Architectural plans for **both new construction and renovations to existing sites** must be submitted to the [OHFLAC Life Safety Program](#) with a [Contract Documents Review Request](#). Plans will be reviewed for compliance with the [West Virginia Behavioral Health Rule](#) to include [2012 Edition NFPA 101](#) and applicable [Facility Guidelines Institute \(FGI\) Guidelines for Design and Construction](#).
 - c. Once a letter of approval is given to the architect, construction can begin.
 - d. Periodic inspections may be conducted by the [OHFLAC Life Safety Program](#) throughout the construction phase.
 - e. Before occupancy can be granted, a pre-opening inspection must be conducted. A [Pre-Opening Inspection Request form](#) must be submitted to the [OHFLAC Life Safety Program](#) 2-3 weeks prior to the date you would like to occupy your building.
 - f. All Life Safety Forms and Service Fees may be viewed and downloaded from the [OHFLAC Life Safety Program page](#).
 - g. Questions or concerns regarding the construction or renovation process may be made by contacting the [Life Safety Program](#) at [304-558-0050](tel:304-558-0050).
3. Once you are certain of the date of completion for your construction project and have policies and procedures developed, if applicable, you then should submit a [Behavioral Health Services Application for Licensure](#). If you have any questions, please contact the [Behavioral Health Program](#) at [304-558-0050](tel:304-558-0050). You may include the [State Fire Marshal's](#) recommendation with your application.
 4. For OHFLAC to issue a license as a behavioral health center, your center must be in substantial compliance with the [Behavioral Health Centers Licensure state rule, W. Va. Code R. §64-11, et al.](#) If not included with your [application for licensure](#) OHFLAC will notify the [State Fire Marshal's](#) office and must receive a recommendation of either a "regular" or "provisional", before processing your application.
 5. Once a recommendation from the [State Fire Marshal](#) is received you will be contacted by OHFLAC to schedule your initial licensure survey. This will be the only time OHFLAC will contact you prior to an inspection/survey.
 6. During your initial licensure survey, OHFLAC will review your written program description, policies and procedures, job descriptions and services provided. Your [policies and procedures](#) must be based on services provided. A listing of expectations can be viewed [here](#).
 7. After your initial licensure survey, if you have been determined to be in substantial compliance with the [Behavioral Health Centers Licensure state rule, W. Va. Code R. §64-11, et al.](#), a 6-month initial license will be issued. Prior to expiration of this license, OHFLAC will conduct a full on-site licensure review, including, but not limited to, interviews, observations, and review of consumer records and services.

State Fire Marshall - Inspection

At some time prior to opening a program, the State Fire Marshal's office will need to do an inspection of the facility. They can be reached at 304-558-2191, ext. 53213. Chief Deputy State Fire Marshal - David Blaylock is the Chief Deputy State Fire Marshal and oversees inspections and he can be reached at 304-558-2191 ext. 20778.

Bureau of Medical Services (BMS) – Medicaid Provider Number

Once you have cleared the Fire Marshal and OHFLAC, you should contact the Bureau for Medical Services (BMS or Medicaid) to arrange a "provider number" so that your agency can bill Medicaid for any services you provide to Medicaid eligible consumers. The BMS number is 304-558-1700 and website is <https://dhhr.wv.gov/BMS> . Questions can be directed to Cynthia A. Parsons (304) 356-4254 or via e-mail at cynthia.a.parsons@wv.gov

Summary of Federal Requirements of Treatment Providers

<http://www.samhsa.gov/about-us/who-we-are/laws-regulations>

Bureau of Children and Families (BCF) - Socially Necessary Services

Become a Socially Necessary Services Provider: <https://dhhr.wv.gov/bss/services/Pages/Become-a-SNS-Provider.aspx>

The Bureau for Social Services of the West Virginia Department of Health and Human Resources has contracted with Aetna, the Managed Care Organization (MCO) who has contracted with KEPRO Intelligent Value to serve as the ASO, or Administrative Services Organization, for socially necessary services. The purpose of the ASO is to provide administrative services necessary to enforce the Department's policies and to complete the authorization process of services in child welfare cases. Socially Necessary has been chosen to designate the class of services governed by this new process.

How to Enroll as a Provider:

Enrollment in the Socially Necessary Services program is currently frozen for new providers, however when enrollment is reopened, any individual or agency which meets the designated criteria and submits the appropriate documentation stated in the Request to Provide Services packet the potential provider would receive would be considered. Once all documentation and necessary steps are completed, the Regulatory Management Unit within the Office of Children and Adult Services with the Bureau for Social Services will then provide a letter of approval or denial to the potential organization/individual and begin the process of setting up the provider to provide the chosen services. As of June 14, 2021, we have opened the Socially Necessary Program for expansion of services and/or counties to existing providers. For approval, the letter of need from the CSM and Community Collaboratives is required. After receiving the letters, the provider will complete an application reflecting the additions and upon verification with Aetna and KEPRO verifying service needs, services and/or service county expansions will be approved.

Any changes in geographic coverage or the provision of additional services will require the submission of additional information to the ASO and the Department.

How are Socially Necessary Services Authorized?

Authorization to deliver socially necessary services is obtained from KEPRO Intelligent Value. Authorization is dependent on the provider meeting the qualifications to deliver the service/services, the submission of all required information to the ASO and the prior approval by the ASO for the delivery of the service/services. The ASO will offer provider training and technical assistance to those who desire to participate.

Training

Once a provider has completed and submitted the enrollment forms, they will need to contact KEPRO Intelligent Value to receive training on how to use the authorization process. The website for KEPRO Intelligent Value is www.keprogio.com.

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