

West Virginia Children's Residential Treatment Facility Licensure Information and Process

To open a children's residential treatment facility in West Virginia (WV), the following issues must be considered and addressed:

1. A Certificate of Need (CON) needs to be obtained from the WV Health Care Authority (WVHCA). This process is to ensure that the proposed facility will not duplicate services and that there is a need for the services in the community.
2. The entity will need to review and comply with the requirements in the Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia under Legislative Rule §78-3.
3. Facilities will need to be approved for and enrolled in Medicaid. After the agency has met the minimum requirements and been approved for licensure, the agency will need to apply to be a Medicaid provider.
4. Facilities will need to obtain a Life Safety Inspection from the Office of Health Facility Licensure & Certification (OHFLAC)

Below is a more detailed outline of the process an agency will need to go through to obtain a license for a children's residential treatment facility.

Certificate of Need (CON)

1. A CON or exemption will need to be obtained prior to any licensure application process being initiated.
2. 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.
3. The application and other relevant information regarding the certificate of need may be obtained at <http://www.hca.wv.gov>.
4. The [CON behavioral health standards](#) can be found on the Health Care Authority website.
5. Exemptions from Certificate of Need
 - a. 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.
 - b. To expand or change services offered by an agency, a new "certificate of need" would be required.

Office of Health Facility Licensure and Certification (OHFLAC)

1. For any new construction or renovation to be utilized as a licensed health care facility, the Office of Health Facility Licensure and Certification (OHFLAC) Life Safety Program will need to be contacted. 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

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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.

2. All new construction and/or existing buildings seeking licensure are required to have a site inspection by the OHFLAC Life Safety Program to ensure the location has the proper utilities and meets safety requirements.
3. A Site Inspection Request form is available on the [Behavioral Health Center Forms & Tools page](#).
 - a. 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.
 - b. Once a letter of approval is given to the architect, construction can begin.
 - c. 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.
4. Questions or concerns regarding the construction or renovation process may be made by contacting the Life Safety Program at 304-558-0050.
5. The agency will need to contact the State Fire Marshal's Office to conduct a Fire Safety Inspection of any existing building or new construction, for all Children's Residential Treatment Facilities. They can be contacted at 304-558-2191.

Bureau for Public Health

1. The Bureau for Public Health will need to be contacted to complete an Environmental Health Inspection. They can be contacted at 304-558-2971.

Bureau for Social Services

Licensing

1. When prepared to open, the agency will need to complete an application packet to BSS Licensing. Thee agency should be ready to show compliance with the regulations, and all the inspections indicated above should be completed. The application packet may be obtained at the [Bureau for Social Services Residential Child Care Licensing page](#) or by calling the Division of Regulatory Management at 304-352-4429 and asking to speak to someone in the Residential Child Care Licensing Unit.
2. If an existing licensed facility is making changes to the existing facility and/or adding on to the facility, the agency must notify BSS's Licensing Unit and OHFLAC of the change in a written format, explaining the changes and who the contact person will be for the agency. A copy of the WVHCA decision must also accompany the notification.
3. If an agency is building a new facility or opening a new program in an existing building, the agency will need to notify BSS's Licensing Unit and OHFLAC of the proposed facility in a written format, explaining the new facility and who the contact person will be for the agency. A copy of the WVHCA decision must also accompany the notification.

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4. Once the construction of the facility is complete (or an existing building), the facility is ready to open, and all inspections are complete, the agency will need to demonstrate compliance with the regulations for licensure under the Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia under Legislative Rule §78-3. It is recommended that agencies review these requirements and have all processes and policies developed prior to the completion of the facility. The requirements can be obtained at <http://www.sos.wv.gov>
5. BSS's Residential Child Care Licensing Unit will contact the agency to complete a remote and on-site licensing review of the program, policies, and physical plant. If approved for licensure, the facility will be issued an initial license for 6 months. A review will be completed prior to the expiration of the initial license for a regular license. A regular license can be issued for up to two years.
6. After a license is issued by BSS's Licensing, the agency will need to obtain a license to provide behavioral health services for children pursuant to WV Code §27-17-3. This BSS license will be deemed by OHFLAC. A copy of your application packet and license from BSS will be forwarded to OHFLAC for review. OHFLAC will then issue a Behavioral Health License to the agency/facility.

Provider Agreement/Contract

1. If the facility plans to serve children in the custody of the State of West Virginia, the provider will need to contact the Division of Regulatory Management Provider Agreements under the Bureau for Social Services to sign an agreement/contract. They can be contacted at 304-352-4429.
 - a. The Agency will need to provide their BSS Residential Child Care license and the Behavioral Health License from OHFLAC.

Bureau for Medical Services (BMS)

1. Facilities providing residential and behavioral health services to children in State's custody will need to contact BMS through their contracted entity, Gainwell Technology, for information regarding provider enrollment with the West Virginia Medicaid Program. A copy of the BSS Residential Child Care License and Behavioral Health License from OHFLAC must be submitted in your enrollment packet
 - a. Information can be obtained through the Provider Services Enrollment Unit at 888-483-0793 or 304-348-3360.
 - b. Address: Molina- PO Box 625, Charleston, WV 25322-0625
2. Medicaid payment will not be issued until official enrollment occurs. Agencies with multiple programs must enroll each program separately with Medicaid.

Placements cannot be accepted until the provider has obtained a Children's Residential Treatment Facility License from BSS, a Behavioral Health License from OHFLAC, is enrolled with BMS, and have an agreement/contract signed with the Division of Regulatory Management, under the Bureau for Social Services.