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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MENTAL HEALTH

Chapter 27-1A

Series II

(1971)

Regulations for Licensing Psychiatric and Other  
Related Facilities and Programs

August 9, 1971

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 8/11/71

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Subject: Regulations for licensing psychiatric and  
other related facilities and Programs

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Section 1. General

1.01. Scope - These regulations establish the rules and standards for license to operate a hospital, center, or institution or part thereof, to provide inpatient, outpatient, or other services to contribute to the care and treatment of the mentally ill or mentally retarded, or prevention of such disorders.

Interpretation: Mental health services in West Virginia are rapidly expanding, with increasing legislative and local government support. With expanded services, efforts are under way to establish objective, attainable requirements for all levels of mental health program operation including establishment, community involvement, organization and administration, minimum staff qualifications, services according to the needs of the community, clinical records, administrative statistics, evaluation and environmental support.

While it is felt desirable to establish uniform, minimum

standards for operation and maintenance of mental health programs, it is also highly desirable to allow maximum flexibility so that each program can develop according to the unique needs of the community and the capabilities of its staff so long as they remain consistent with the Comprehensive Mental Health Plan for West Virginia, September, 1966, as modified by Program for the 70's. The delivery of mental health services to a population encompasses nearly as many variations as there are staff and recipients of service. These regulations, therefore, are designed to enhance, rather than to restrict the delivery of services to a population served by a mental health program; to provide source information to assist providers to reach and maintain the defined minimum standards for safe patient care required by local, state, and federal statutes for the welfare of the general public.

The Regulations herein are based on the belief that every patient has the inalienable right to receive treatment appropriate to his illness, under conditions that protect his privacy and dignity, and with essential humanity. Hence, each psychiatric or mental retardation facility applying for a license to operate in West Virginia must be measured against the following basic principles:

- (a) The mental health/mental retardation facility

Instructions for page replacement in West  
Virginia Administration Regulations to  
reflect December 1975 Revision:

Remove

Pages 13, 14, 15, 16, 17, and 18

and Replace with

Pages 13, 14, 15, 16, 17, 18, 18A, and 18B

*Absolute  
Mental  
Health*

a twelve month period.

CLASS II Provisional approval contingent upon removal of deficiencies within one or more services for which license is applied. Deficiencies shall be noted on the face of the license certificate for disclosure to patients, clients and/or students and their families.

2.04.3 License To Be Posted --The CLASS I and CLASS II license certificates shall be posted in a conspicuous place at each location where mental health/mental retardation services are provided.

2.04.4 License Non-Transferable --The license shall be non-transferable and non-assignable. The Department of Mental Health shall be immediately notified of any change relative to the ownership, name, location or operation of the institution, and an application form for a new license shall be requested for filing with the Department.

2.05. Surveys For License Or Renewal of License

2.05.1 Authorized Surveyors --Only duly authorized representatives of the Department of Mental Health shall have the right to enter upon or into the premises

of any hospital, center, institution, or other related facility and/or part thereof in order to survey all elements of operations in accordance with the licensing authority vested in the Department.

2.05.2 Survey Team Credentials --

(a) Each surveyor of the survey team appointed by the Director of Mental Health shall carry official identifying credentials indicating his authority to make a qualitative survey of the facility. Surveyors who review psychiatric medical records, alcohol and drug abuse medical records, or methadone treatment records shall carry credentials which specifically state the authority of the Director to review such records.

(b) Positive identification of the licensing surveyors shall be the responsibility of the medical records administrator. In the absence of a certified medical record administrator, the administrator, superintendent, or clinical director of the facility shall be responsible for positive identification.

2.05.3 Survey Team --A survey team for each region as defined in the West Virginia State Plans for Con-

struction of Community Mental Health Centers and Mental Retardation Facilities shall be annually appointed by the Director of the Department of Mental Health and shall include:

- 1 Administrator, community mental health center, or hospital;
- 1, or more if needed, Fire Inspector, State Fire Marshal designee(s);
- 1 Director, or designee, Mental Health Licensing Program;
- 1 Mental Health/Mental Retardation Professional, as needed;
- 1 Sanitarian, Local Department of Health, designee;
- 1 Psychiatrist, as needed;
- 1 Architect, as needed;
- 1 Attorney, as needed;
- 1 Auditor, as needed;
- 1 Director, or designee, Community Services Division, as needed;
- 1 Engineer, as needed;

PROVIDED however, that no surveyor shall participate in the survey of his own facility.

2.05.4 Report of Survey --The survey team, prior to leaving the premises after a survey, shall submit either an oral, or written, report of its findings with the superintendent or executive officer, or his duly author-

ized representative.

2.05.5 Survey Required Before License Issued --Surveys shall be made prior to the initial issuance of a license, renewal of a license, or at any time during the licensing period in order to assure continuing conformity with the standards contained in these rules and regulations.

2.05.6 Non-Compliance With Regulations --Non-compliance with a regulation, or regulations, noted by the surveyors may constitute sufficient cause for revocation of the license, at the discretion of the Director of the West Virginia Department of Mental Health.

2.05.7 Certification By State Fire Marshal To Be Posted --All mental health facilities required to be licensed under the provisions of these regulations shall comply with and conform to all rules and regulations which provide minimum standards for the prevention of fire and for the protection of life and property against loss or damage by fire or panic. A certificate of approval shall be obtained from the State Fire Marshal by any institution required to be licensed. Written approval of the institution shall be filed with the State Department of Mental Health and a copy of such certificate shall be posted in a conspicuous place on the premises of the licensee.

2.06. Expiration And Renewal of License

2.06.1 Expiration Of License --All licenses issued by the Department of Mental Health shall expire on the thirty-first (31st) day of December following issuance provided that any such license in effect on the thirty-first (31st) day of December of any year, for which application for renewal has been made to the Department of Mental Health in conformance with these regulations and prior to the expiration date of such license, shall continue in effect until:

- (a) the thirty-first (31st) day of December next following the expiration date of such license;
- (b) the date of revocation or suspension of such license; or
- (c) the date of issuance of a new license whichever date first occurs.

2.06.2 Renewal of License

- (a) Applications for the renewal of licenses will be mailed to each, hospital, center, institution, related facility and/or service or part thereof before September 30th, which shall be completed and returned to the Department of Mental Health before the thirty-first (31st) day of December every year following issuance of the license.
- (b) The renewal of a license shall be contingent upon

evidence of compliance with the licensing law and minimum standards and regulations herein set forth.

2.06.3 Notification of Non-Compliance --Each applicant will be duly notified, in writing, of any non-compliance and shall comply with the provision of the law, rules and regulations herein set forth before the reissuance of a CLASS I license to operate.

2.07. Revocation And Reissuance Of License --

2.07.1 Right To Hearing Before Revocation -- After an opportunity for a hearing before a review committee, the Department of Mental Health may revoke the license of any institution, or agency, found in non-compliance with the licensing law, or the rules and regulations issued pursuant thereto.

2.07.2 Multidisciplinary Review Committee --

(a) The Director of the Department of Mental Health shall appoint a multidisciplinary review committee. Members shall be given initial appointments of one, two, or three years and thereafter terms of three years to provide for a rotation of membership on the committee.

(b) The review committee shall be representative of the West Virginia Health, Education, and Welfare State Agencies and such other professional associa-

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