WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

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ENROLLED

HOUSE BILL No. 172

(By Mrs. Drury, by request)

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PASSED July 18, 1963

In Effect July 1, 1963

Filed in Office of the Secretary of State
of West Virginia 7-23-63

JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 192
(By Mrs. Drewry, by request)

[Passed February 18, 1963; in effect July 1, 1963.]

AN ACT to amend and reenact sections one, four and
twelve, article five-b, chapter sixteen of the code of West
Virginia, one thousand nine hundred thirty-one, as
amended, relating to the licensing of hospitals and similar
institutions.

Be it enacted by the Legislature of West Virginia:

That sections one, four and twelve, article five-b, chapter
sixteen of the code of West Virginia, one thousand nine hun-
dred thirty-one, as amended, be amended and reenacted to
read as follows:

Section 1. Hospitals and Other Institutions Af-
2 fected.—No person, partnership, association, corpora-
tion, nor any local governmental unit or any division, department, board or agency thereof shall establish, conduct, or maintain in the state of West Virginia any hospital, sanatorium, rest home, nursing home, or other institution, having five or more beds, for the hospitalization or care of the sick or injured or for the care of any human being requiring or receiving chronic or convalescent care without first obtaining a license therefor in the manner hereinafter provided. Hospitals operated by the federal government or the state government shall be exempt from the provisions of this article.

Hospital, sanatorium, rest home, nursing home, and other related institutions within the meaning of this article, shall mean any institution, place, building, or agency in which an accommodation of five or more beds is maintained, furnished, or offered for the hospitalization of the sick or injured or care of any person requiring or receiving chronic or convalescent care: Provided, That nothing contained in this article shall apply to hotels or other similar places that furnish to their guests only board and
room, or either of them: Provided, however, That the hospitalization, care or treatment in a household, whether for compensation or not, of any person related by blood or marriage, within the degree of consanguinity of second cousin to the head of the household or his or her spouse, shall not be deemed to constitute the premises a hospital, sanatorium, rest home, nursing home or other related institution, within the meaning of this article.

Nothing in this article shall authorize any person, partnership, association, corporation, or any local governmental unit or any division, department, board or agency thereof to engage in any manner in the practice of medicine, as defined by law. This article shall not be construed to restrict or modify any statute pertaining to the placement or adoption of children.

Sec. 4. License Fees.—The application of any person, partnership, association, corporation or local governmental unit for a license to operate a hospital, sanatorium, rest home, nursing home, or related institution within the meaning of this article shall be accompanied by a fee to be determined by the number of beds available for
7 patients, according to the following schedule of fees:

8 Those with five beds but less than fifty beds shall pay a fee of twenty dollars; those with fifty beds or more and less than one hundred beds shall pay a fee of thirty dollars; those with one hundred beds or more and less than two hundred beds shall pay a fee of forty dollars; and those with two hundred beds or more shall pay a fee of fifty dollars. No such fee shall be refunded. All licenses issued under this article shall expire on the thirtieth day of June following their issuance, shall be on a form prescribed by the state department of health, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises, and may be renewed from year to year upon application; investigation, and payment of the license fee, as in the case of the procurement of an original license: Provided, That any such license in effect on the thirtieth day of June of any year, for which timely application for renewal, together with payment of the proper fee, has been made to the state department of health in conformance with the pro-
visions of this article and the rules and regulations issued
thereunder, and prior to the expiration date of such li-
cense, shall continue in effect until (a) the thirtieth day
of June next following the expiration date of such license,
or (b) the date of the revocation or suspension of such
license pursuant to the provisions of this article, or (c)
the date of issuance of a new license, whichever date
first occurs. All fees received by the state department of
health under the provisions of this article shall be paid
into the state treasury general revenue fund.

Sec. 12. Injunction.—Notwithstanding the existence or
pursuit of any other remedy, the department may, in the
manner provided by law, maintain an action in the name
of the State for injunction against any person, partner-
ship, association, corporation, or any local governmental
unit, or any division, department, board or agency thereof
to restrain or prevent the establishment, conduct, man-
agement or operation of any hospital, sanatorium, rest
home, nursing home or other institution having five or
more beds for the hospitalization or care of the sick or
injured or for the care of any human being requiring or
receiving chronic or convalescent care without first obtaining a license therefor in the manner hereinbefore provided.

If any part of this article shall be declared unconstitutional, such declaration shall not affect any other part thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Barker
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1963, upon passage.

Howard Stith
Clerk of the Senate

O. A. Blankenship
Clerk of the House of Delegates

Howard W. Wilson
President of the Senate

William B. Handy
Speaker House of Delegates

The within approved this the 23rd day of February, 1963.

Governor