

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 192

(By Mrs. Drury, by request.)



PASSED Feb. 18 1963

In Effect July 1 - 1963 Passage



Filed in Office of the Secretary of State
of West Virginia 2-23-63

JOE F. BURDETT
SECRETARY OF STATE

#192

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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 hundred 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-

3 tion, nor any local governmental unit or any divi-
4 sion, department, board or agency thereof shall
5 establish, conduct, or maintain in the state of West
6 Virginia any hospital, sanatorium, rest home, nursing
7 home, or other institution, having five or more beds, for
8 the hospitalization or care of the sick or injured or for the
9 care of any human being requiring or receiving chronic
10 or convalescent care without first obtaining a license
11 therefor in the manner hereinafter provided. Hospitals
12 operated by the federal government or the state gov-
13 ernment shall be exempt from the provisions of this
14 article.

15 Hospital, sanatorium, rest home, nursing home, and
16 other related institutions within the meaning of this ar-
17 ticle, shall mean any institution, place, building, or agency
18 in which an accommodation of five or more beds is main-
19 tained, furnished, or offered for the hospitalization of the
20 sick or injured or care of any person requiring or receiv-
21 ing chronic or convalescent care: *Provided*, That nothing
22 contained in this article shall apply to hotels or other
23 similar places that furnish to their guests only board and

24 room, or either of them: *Provided, however,* That the
25 hospitalization, care or treatment in a household, whether
26 for compensation or not, of any person related by blood or
27 marriage, within the degree of consanguinity of second
28 cousin to the head of the household or his or her spouse,
29 shall not be deemed to constitute the premises a hospital,
30 sanatorium, rest home, nursing home or other related in-
31 stitution, within the meaning of this article.

32 Nothing in this article shall authorize any person,
33 partnership, association, corporation, or any local govern-
34 mental unit or any division, department, board or agency
35 thereof to engage in any manner in the practice of medi-
36 cine, as defined by law. This article shall not be construed
37 to restrict or modify any statute pertaining to the place-
38 ment or adoption of children.

Sec. 4. License Fees.—The application of any person,
2 partnership, association, corporation or local govern-
3 mental unit for a license to operate a hospital, sanatorium,
4 rest home, nursing home, or related institution within
5 the meaning of this article shall be accompanied by a fee
6 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
9 fee of twenty dollars; those with fifty beds or more and
10 less than one hundred beds shall pay a fee of thirty dol-
11 lars; those with one hundred beds or more and less than
12 two hundred beds shall pay a fee of forty dollars; and
13 those with two hundred beds or more shall pay a fee of
14 fifty dollars. No such fee shall be refunded. All licenses
15 issued under this article shall expire on the thirtieth day
16 of June following their issuance, shall be on a form pre-
17 scribed by the state department of health, shall not be
18 transferable or assignable, shall be issued only for the
19 premises named in the application, shall be posted in a
20 conspicuous place on the licensed premises, and may be
21 renewed from year to year upon application; investiga-
22 tion, and payment of the license fee, as in the case of the
23 procurement of an original license: *Provided*, That any
24 such license in effect on the thirtieth day of June of any
25 year, for which timely application for renewal, together
26 with payment of the proper fee, has been made to the
27 state department of health in conformance with the pro-

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visions of this article and the rules and regulations issued thereunder, and prior to the expiration date of such license, 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, partnership, association, corporation, or any local governmental unit, or any division, department, board or agency thereof to restrain or prevent the establishment, conduct, management 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

12 receiving chronic or convalescent care without first ob-
13 taining a license therefor in the manner hereinbefore
14 provided.

15 If any part of this article shall be declared unconstitu-
16 tional, such declaration shall not affect any other part
17 thereof.

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

O. Roy Parker
Chairman Senate Committee

Ethel L. Caudell
Chairman House Committee

Originated in the House.

Takes effect July 1-1963 passage.

Howard Thyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Wm. W. (Sig) Stanch
Speaker House of Delegates

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

Wm. W. Carson
Governor

