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OFFICE OF WEST VIRGINIA'S
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

COM. Sub for
HOUSE BILL No. 2612

(By ~~HE~~ Del. M. Burke & White)

— ● —

Passed April 7, 1989

In Effect Ninety Days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2612
(By DELEGATES M. BURKE AND WHITE)

[Passed April 7, 1989; in effect ninety days from passage.]

AN ACT to amend article two-d, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four-a, relating to conversion of hospital acute beds to skilled nursing beds.

Be it enacted by the Legislature of West Virginia:

That article two-d, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four-a, to read as follows:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-4a. Conversion of hospital acute beds to skilled nursing beds.

1 (a) Legislative findings and purpose.—The Legisla-
2 ture hereby finds and declares that a need exists for
3 skilled nursing health care beds in this state due to a
4 shortage of existing facilities with adequate bed
5 capacity and lack of willingness to provide such services;
6 that patients in need of skilled nursing services have
7 sometimes been retained in an inappropriate level of

8 care facility; that such practices have resulted in
9 malutilization of health care facilities and resources;
10 that there currently exists a surplus of acute care beds
11 in hospitals, particularly those in rural areas within this
12 state; that the surplus of acute care beds is, for the
13 foreseeable future, permanent in nature; that the same
14 excess capacity of acute care beds promotes economic
15 inefficiencies in operation while failing to meet com-
16 munity needs; that nursing homes are unable under
17 subsection (h), section five of this article, to add
18 intermediate or dually certified beds to skilled nursing
19 beds at the present time in numbers in excess of ten
20 percent or not more than ten beds, whichever is less; and
21 that remedial action by the Legislature is necessary to
22 effectuate relief of these problems to promote the health
23 and welfare of the citizens of the state by allowing, in
24 certain instances, for the conversion of acute care beds
25 to skilled nursing beds by hospitals, but with no increase
26 in overall hospital bed capacity.

27 (b) Notwithstanding the provisions of subsection (h),
28 section five of this article, and, further, notwithstanding
29 the provisions of subsection (d), section three of this
30 article, the state agency shall adopt rules pursuant to
31 section eight of this article, to exempt from review the
32 conversion of acute-care beds to skilled nursing care
33 beds by a licensed hospital by the state department of
34 health if the hospital meets the following conditions:

35 (1) It is located in a nonmetropolitan statistical area
36 as defined by the bureau of census of the federal
37 government;

38 (2) It has experienced an average occupancy rate of
39 less than fifty percent for the twelve months preceding
40 the date of request for this exemption; and

41 (3) The nursing home service area within which the
42 hospital is located is under the bed ceiling as calculated
43 by the thirty beds per thousand population formula as
44 set forth in the long-term care chapter of the state
45 health plan, except for the purposes of this article
46 existing nursing home beds shall be used in the
47 calculation.

48 (c) The state agency shall include in its rules require-
49 ments that:

50 (1) In converting beds, the hospital must change one
51 acute care bed into one skilled nursing care bed;

52 (2) All acute care beds converted shall be perman-
53 ently deleted from the hospital's acute-care bed comple-
54 ment and the hospital may not thereafter add, by
55 conversion or otherwise, acute-care beds to its bed
56 complement without satisfying the requirements of
57 subsection (d), section three of this article, for which
58 purposes such an addition, whether by conversion or
59 otherwise, such be considered a substantial change to
60 the bed capacity of the hospital notwithstanding the
61 definition of that term found at subsection (ee), section
62 two of this article;

63 (3) The hospital shall meet all applicable federal and
64 state licensing requirements for the provisions of skilled
65 nursing services including a requirement that all skilled
66 care beds created under this exemption shall be located
67 in distinct-part, long-term care units;

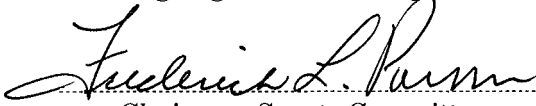
68 (4) No hospital is permitted to convert more than
69 twenty-five percent of its licensed bed capacity in any
70 twenty-four month period pursuant to this exemption;
71 however, in the event that subsection (h), section five of
72 this article, is repealed and to the extent that other
73 methods of converting acute care beds are available
74 under this article, the hospital may request certificate
75 of need approval of such conversions;

76 (5) The hospital shall undergo substantial compliance
77 review of a conversion under this exemption under such
78 terms and at such a time as set by the state agency in
79 its rules.

80 (d) Nothing in this section negatively affects the
81 rights of inspection and certification which are else-
82 where required by federal law or regulations or by this
83 code or duly adopted regulation of an authorized state
84 entity.

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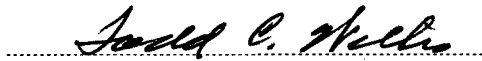
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

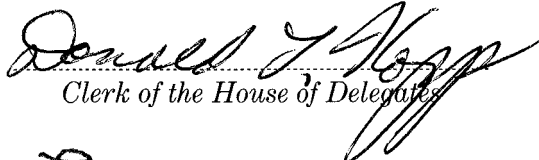

Chairman Senate Committee



Chairman House Committee

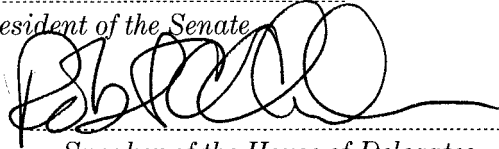
Originating in the House.

Takes effect ninety days from passage.

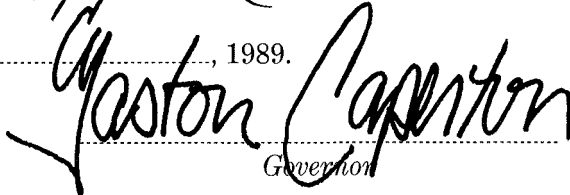

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within *is approved* this the *21st*
day of *April*, 1989.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 10:36