WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

HOUSE BILL No. 2489

(By Delegate Mezzatesta)

Passed March 9, 1996

in Effect ninety days from Passage
ENROLLED
H. B. 2489

(BY DELEGATE MEZZATESTA)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend article five-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nineteen; and to amend and reenact sections four, five, six and seven, article twenty-five, chapter thirty of said code all relating to nursing homes, personal care homes and residential board and care homes; authorizing the department to promulgate legislative rules to comply with federal law and regulations; and authorizing the nursing home administrators licensing board to propose by legislative rule the amounts of licensing fees for nursing home administrators.

Be it enacted by the Legislature of West Virginia:

That article five-c, 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 nineteen; and that sections four, five, six and seven, article twenty-five, chapter thirty of said code be amended and reenacted, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5C. NURSING AND PERSONAL CARE HOMES AND RESIDENTIAL BOARD AND CARE HOMES.

§16-5C-19. Federal law; legislative rules.

1 Notwithstanding any provision in this code to the contrary, the department shall promulgate legislative rules,
in compliance with the provisions of article three, chapter
twenty-nine-a of this code, pertaining to nursing homes,
when those rules are required for compliance with federal
law or regulations. The rules may be filed as emergency
rules.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 25. NURSING HOME ADMINISTRATORS.

§30-25-4. Qualifications for license; exceptions; application,
fees.

(a) To be eligible for a license as a nursing home
administrator a person must:

(1) Be of good moral character;

(2) Possess the qualifications and meet any reasonable
standards as the board may prescribe pursuant to
subsection (a), section seven of this article;

(3) Pass the examination prescribed by the board in
the subject of nursing home administration; and

(4) Have sufficient knowledge and soundness of
judgment to be able to adequately discharge the functions
of a nursing home administrator.

(b) Any person who holds a license or certificate as a
nursing home administrator issued by any other state, the
requirements for which are found by the board to be at
least as great as those provided in this article may be
granted a license without examination if he or she meets
all of the other requirements for licensing in this state.

(c) Any applicant for any license shall submit an
application for the license at the time, in the manner, on
the forms and containing the information as the board
may, from time to time, by reasonable legislative rules
prescribe and pay to the board the prescribed license fee,
which fee shall be returned to the applicant if he or she is
denied a license.

§30-25-5. Issuance of license; renewal of license; renewal fee;
display of license.
Whenever the board finds that an applicant meets all
of the requirements of this article for a license as a nursing
home administrator, it shall immediately issue the license
to the applicant; otherwise the board shall deny the
applicant a license. The license is valid for a period ending
on June thirty next ensuing and may be renewed without
examination upon application for renewal on a form
prescribed by the board and payment to the board of the
prescribed renewal fee: Provided, That the board may
deny an application for renewal for any reason that would
justify the denial of the original application for a license.
The board shall prescribe the form of licenses and each
license shall be conspicuously displayed by the licensee at
the nursing home that he or she administers.


If a licensed nursing home administrator dies or is
unable to continue due to an unexpected cause, the owner,
governing body or other appropriate authority in charge
of the nursing home involved may designate an acting
administrator to whom the board may immediately issue
an emergency permit if it finds the appointment will not
endanger the safety of the occupants of the nursing home.
An emergency permit is valid for a period determined by
the board not to exceed six months and shall not be
renewed. The prescribed fee for an emergency permit
shall be paid to the board.


(a) The board shall:

(1) Examine applicants and determine their eligibility
for a license or emergency permit as a nursing home
administrator;

(2) Prepare, conduct and grade an apt and proper
examination of applicants for a license and determine the
satisfactory passing score on the examination;

(3) Promulgate reasonable legislative rules in
accordance with and subject to the provisions of article
three, chapter twenty-nine-a of this code, for the proper
performance of its duties and shall establish fees for
(4) Issue, renew, deny, suspend or revoke licenses and emergency permits in accordance with the provisions of this article and, in accordance with the administrative procedures provided in this article, may review, affirm, reverse, vacate or modify its order with respect to any denial, suspension or revocation;

(5) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator. The standards shall be designed to ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(6) Employ, direct, discharge and define the duties of personnel necessary to effectuate the provisions of this article;

(7) Keep accurate and complete records of its proceedings, certify the records as may be appropriate, and prepare, from time to time, a list showing the names and addresses of all licensees;

(8) Approve courses of study or training in the field of nursing home administration which sufficiently meet education and training requirements for nursing home administrators established by this article;

(9) Conduct a course of study or training of the type referred to in subdivision (8) of this subsection if the courses are not otherwise reasonably available to residents of this state; and

(10) Take other action as may be reasonably necessary or appropriate to effectuate the provisions of this article.

(b) All moneys paid to the board shall be accepted by a person designated by the board and deposited by him or her with the treasurer of the state and credited to an
account to be known as the "West Virginia nursing home administrators licensing board fund." Reimbursement of all reasonable and necessary costs and expenses actually incurred by members, and by the board in the administration of this article shall be paid from the fund.
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 25th day of March, 1996.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/22/96
Time 9:10 a.m.