

HB 2489

RECEIVED
96 MAR 25 PM 4: 09
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 2489

(By Delegate MEZZATESTA)



Passed MARCH 9, 1996

In Effect ninety days from Passage

RECEIVED

96 MAR 27 PM 4:09

OFFICE OF THE CLERK
WEST VIRGINIA
STATE HOUSE

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
2 contrary, the department shall promulgate legislative rules,

3 in compliance with the provisions of article three, chapter
4 twenty-nine-a of this code, pertaining to nursing homes,
5 when those rules are required for compliance with federal
6 law or regulations. The rules may be filed as emergency
7 rules.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 25. NURSING HOME ADMINISTRATORS.

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

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

3 (1) Be of good moral character;

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

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

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

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

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

§30-25-5. Issuance of license; renewal of license; renewal fee; display of license.

1 Whenever the board finds that an applicant meets all
2 of the requirements of this article for a license as a nursing
3 home administrator, it shall immediately issue the license
4 to the applicant; otherwise the board shall deny the
5 applicant a license. The license is valid for a period ending
6 on June thirty next ensuing and may be renewed without
7 examination upon application for renewal on a form
8 prescribed by the board and payment to the board of the
9 prescribed renewal fee: *Provided*, That the board may
10 deny an application for renewal for any reason that would
11 justify the denial of the original application for a license.
12 The board shall prescribe the form of licenses and each
13 license shall be conspicuously displayed by the licensee at
14 the nursing home that he or she administers.

§30-25-6. Emergency permit.

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

§30-25-7. Powers and duties of board.

- 1 (a) The board shall:
- 2 (1) Examine applicants and determine their eligibility
3 for a license or emergency permit as a nursing home
4 administrator;
- 5 (2) Prepare, conduct and grade an apt and proper
6 examination of applicants for a license and determine the
7 satisfactory passing score on the examination;
- 8 (3) Promulgate reasonable legislative rules in
9 accordance with and subject to the provisions of article
10 three, chapter twenty-nine-a of this code, for the proper
11 performance of its duties and shall establish fees for

12 examinations, permits, licenses and renewals sufficient to
13 cover the costs of administration of this article.

14 (4) Issue, renew, deny, suspend or revoke licenses and
15 emergency permits in accordance with the provisions of
16 this article and, in accordance with the administrative
17 procedures provided in this article, may review, affirm,
18 reverse, vacate or modify its order with respect to any
19 denial, suspension or revocation;

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

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

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


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

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

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

46 (b) All moneys paid to the board shall be accepted by
47 a person designated by the board and deposited by him or
48 her with the treasurer of the state and credited to an

49 account to be known as the "West Virginia nursing home
50 administrators licensing board fund." Reimbursement of
51 all reasonable and necessary costs and expenses actually
52 incurred by members, and by the board in the administra-
53 tion of this article shall be paid from the fund.



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

Randy Schreiber
Chairman Senate Committee

Randy Seacrest
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Carroll E. Adams
Clerk of the Senate

Burgess M. Bay
Clerk of the House of Delegates

Carl Ray Tompkins
President of the Senate

Robert Calvert
Speaker of the House of Delegates

The within is approved this the 25th
day of March, 1996.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/96

Time 9:10 am