

SB 416

**WEST VIRGINIA LEGISLATURE**

REGULAR SESSION, 1996

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

96 APR - 1 PM 4: 45

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**ENROLLED**

SENATE BILL NO. 416

(By Senator TAMBLIN, MR. PRESIDENT, ET AL)

PASSED MARCH 9, 1996

In Effect NINETY DAYS FROM Passage

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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**Senate Bill No. 416**

(BY SENATORS TOMBLIN, MR. PRESIDENT, HELMICK  
AND JACKSON)

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

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AN ACT to amend article twenty-three, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to the authority of certain hospitals to enter into joint and cooperative undertakings; authorizing certain hospitals to cooperate with both public and private agencies; authorizing the expenditure of public funds, allocation of personnel and contribution of certain property for purposes of joint and cooperative undertakings; and imposing limitations with respect to joint and cooperative undertakings by hospitals.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 23. INTERGOVERNMENTAL RELATIONS — CONTRACTING AND JOINT ENTERPRISES.****§8-23-3a. Joint and cooperative undertakings by certain hospitals.**

1 Any county or municipal hospital or hospital created  
2 by special act of the Legislature may enter into a joint or  
3 cooperative undertaking pursuant to this article and may  
4 further enter into joint or cooperative undertakings with  
5 private agencies or corporations in accordance with this  
6 section. The expenditure of public funds, allocation of  
7 personnel and provision of services for joint and cooper-  
8 ative undertakings are authorized. The undertaking may  
9 include the creation of a separate entity to carry out the  
10 purpose of the undertaking and, if appropriate in  
11 connection with the undertaking, may include provision  
12 for the ownership or control of all or a portion of the  
13 separate entity by the hospital. The contribution of  
14 funds derived from the operation of a hospital, and real  
15 or personal property acquired in connection with the  
16 operation of the hospital, may be contributed to the joint  
17 undertaking or separate entity, if the hospital owns or  
18 controls all or a portion of the separate entity or joint  
19 undertaking. All joint and cooperative undertakings are  
20 subject to the following limitations:

21 (1) All joint and cooperative undertakings entered into  
22 by a hospital are subject to the provisions of article two-  
23 d, chapter sixteen of this code;

24 (2) For any joint and cooperative undertaking entered  
25 into by a hospital, which undertaking involves the  
26 expenditure of public funds and includes the creation of  
27 a separate entity to carry out the purpose of the under-  
28 taking, the separate entity created is subject to the  
29 provisions of article nine-a, chapter six and articles five-  
30 b and five-g, chapter sixteen of this code;

31 (3) For any joint and cooperative undertaking entered  
32 into by a hospital, which undertaking involves the  
33 expenditure of public funds and includes the creation of  
34 a separate entity to carry out the purpose of the under-

35 taking, the separate entity created is subject to the same  
36 charity care obligation as the hospital;

37 (4) The board of the hospital must find by resolution  
38 that the purposes of the joint and cooperative undertak-  
39 ing further the same public purpose and are in keeping  
40 with the mission and vision for which the hospital was  
41 created;

42 (5) Appropriate action by resolution of the governing  
43 board of the hospital is necessary before any agreement  
44 for a joint or cooperative undertaking may take effect.  
45 For any joint and cooperative undertaking which in-  
46 volves the contribution of real property acquired in  
47 connection with the operation of the hospital, appropri-  
48 ate action by ordinance, resolution or otherwise pursu-  
49 ant to the law of the governing body of the municipality,  
50 in the case of a municipal hospital; by ordinance, resolu-  
51 tion or otherwise pursuant to the law of the county  
52 commission in the case of a county hospital; or appropri-  
53 ate action by ordinance, resolution or otherwise pursu-  
54 ant to the law of both the municipality where the hospi-  
55 tal is located and the county commission of the county  
56 where the hospital is located, in the case of a hospital  
57 created by special act of the Legislature and involving  
58 the contribution of public funds of both counties and  
59 municipalities, shall be necessary before any agreement  
60 for a joint or cooperative undertaking may take effect.  
61 An agreement entered into by a hospital pursuant to this  
62 section shall contain substantially the same provisions as  
63 set forth in section three of this article. No agreement  
64 made pursuant to the provisions of this section shall  
65 relieve any hospital of any obligation or responsibility  
66 imposed upon it by law, except to the extent that actual  
67 and timely performance thereof by a joint board or other  
68 legal or administrative entity created by an agreement  
69 made hereunder may be offered in satisfaction of the  
70 obligation or responsibility; and

71 (6) No agreement for a joint and cooperative undertak-  
72 ing entered into pursuant to this article may contain any

73 provision intended to or having the effect of reducing  
74 reimbursements to local or community-based emergency  
75 services or ambulance providers, or reducing the extent  
76 to which services are provided by local or community-  
77 based emergency services or ambulance providers in the  
78 geographic area served by a provider.

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

*Carly Schorover*  
.....  
Chairman Senate Committee

*Rudy Seacant*  
.....  
Chairman House Committee

Originated in the Senate.  
In effect ninety days from passage.

*Paul E. Baker*  
.....  
Clerk of the Senate

*Gregory W. Perry*  
.....  
Clerk of the House of Delegates

*Carl Roy Jentel*  
.....  
President of the Senate

*Carl Caber*  
.....  
Speaker House of Delegates

The within *is approved* this the *15<sup>th</sup>*  
day of *April*, 1996.

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/06

Time 9:46 AM