

SB 550

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

SENATE BILL NO. 550

(By Senators Helwick AND Pass)



PASSED MARCH 13, 1999

In Effect NINETY DAYS FROM Passage

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SECRET

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Senate Bill No. 550

(BY SENATORS HELMICK AND ROSS)

[Passed March 13, 1999; 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 five-a, relating to the conversion of certain hospitals' acute care beds to nursing beds certified by medicare and medicaid; providing the criteria for such conversions; and providing an exception to agency rules and certain statutory requirements.

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 five-a, to read as follows:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-5a. Exception permitting certain nursing beds.

1 (a) Notwithstanding any provision contained in this
2 article and any rule issued by the state agency, on and
3 after the first day of January, one thousand nine hundred
4 ninety-nine, any critical access hospital, designated by the
5 state as a critical access hospital after meeting all federal
6 eligibility criteria, that was previously a for-profit organi-
7 zation and which has been certified as a not-for-profit
8 organization within the five years prior to the first month
9 in which this section becomes effective, may apply for a
10 certificate of need to add up to twenty-five licensed
11 distinct part nursing beds for certification by both
12 medicare and medicaid for reimbursement purposes, if the
13 hospital meets all federal and state licensing requirements
14 for the provision of nursing services, and if the nursing
15 beds created are located in distinct long-term care units in
16 a previously constructed part of the hospital suitable for
17 that purpose.

18 (b) Notwithstanding any provision of law to the con-
19 trary, and any rule issued by the state agency, any rural
20 hospital that was formerly owned and operated by the
21 county but now is owned by a non-profit multi-hospital
22 chain owning two or more rural hospitals, that is eligible
23 in the rural health plan for, but not currently designated
24 as, a critical access hospital and currently have one to
25 twenty-five nursing beds, may apply for a certificate of
26 need to convert up to sixteen beds of existing licensed
27 acute care beds to nursing beds for certification by both
28 medicare and medicaid for reimbursement purposes,
29 provided that the following conditions are met:

30 (1) There is no overall increase in the bed capacity of the
31 hospital; one acute care bed is converted to one dually
32 certified medicare and medicaid nursing bed.

33 (2) All converted acute care beds shall be permanently
34 deleted from the acute care bed compliment of the hospi-
35 tal, which may not thereafter add, by conversation or
36 otherwise, acute care beds to its bed compliment without
37 satisfying the requirements of subdivision (4), subsection
38 (b), section three of this article, for which purposes the
39 addition, whether by conversion or otherwise, shall be
40 considered a substantial change to the bed capacity of the

41 hospital notwithstanding the definition of that term as
42 found in subsection (e), section two of this article.

43 (3) After the conversion, the hospital shall have no more
44 than fifty licensed acute care beds.

45 (4) The hospital shall meet all federal and state licensing
46 requirements for the provisions of skilled nursing services.
47 Additionally, all skilled nursing beds created under this
48 exemption shall be located in distinct long-term care units
49 in a previously constructed part of the hospital that can be
50 used for that purpose.

51 (5) Nothing in this section negatively affects the rights of
52 inspection and certification which are elsewhere required
53 by federal law or regulations.

A handwritten signature in cursive script, appearing to read "Edmund P. [unclear]", is located in the lower middle section of the page. The signature is written in dark ink and is somewhat faded.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *2nd*
April
Day of, 1999

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/1/99

Time

10:30 am