

FILED

2011 MAR 21 PM 4: 24

OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2011



ENROLLED

House Bill No. 3114

(By Delegates Mahan, Moye, Sumner, Crosier,
O'Neal and Snuffer)



Passed March 8, 2011

In Effect From Passage

HB 3114

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WEST VIRGINIA

E N R O L L E D

H. B. 3114

(BY DELEGATES MAHAN, MOYE, SUMNER, CROSIER,
O'NEAL AND SNUFFER)

[Passed March 8, 2011; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5b, relating to development and operation of a nursing home on the grounds of a critical access hospital meeting certain restrictions and exemptions from nursing home moratorium and certificate of need requirements.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-2D-5b, to read as follows:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-5B. Exception permitting development and operation of certain nursing beds.

1 (a) Notwithstanding any provision of law to the contrary
2 and any rule issued by the state agency, a nonprofit
3 community group designated by a county commission shall
4 not be required to apply for or obtain a certificate of need, an
5 exemption from certificate of need review, a determination of
6 nonreviewability, or any other approval from the state agency
7 in order to develop and operate a nursing home on the
8 grounds of a critical access hospital provided that:

9 (1) The critical access hospital is located in the county of
10 such county commission;

11 (2) The critical access hospital is operated on real
12 property owned by such county;

13 (3) The critical access hospital previously operated a
14 long-term care unit on the grounds of the critical access
15 hospital;

16 (4) The critical access hospital closed such long-term care
17 unit between December 1, 2010 and February 28, 2011;

18 (5) The nonprofit community group develops and
19 operates no more than thirty-six nursing home beds pursuant
20 to this section; and

21 (6) The nonprofit community group applies for a license
22 to operate the nursing home within six months after the
23 effective date of this section.

24 (b) The establishment of a nursing home and nursing
25 beds under this section shall be exempt from the nursing
26 home bed moratorium pursuant to subsection (g), section five
27 of this article.

28 (c) Any nursing home developed and operated pursuant
29 to this section shall be subject to all certificate of need laws
30 and rules as they pertain to any transactions subsequent to the
31 development and commencement of operation of such
32 nursing home.

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



Chairman, House Committee



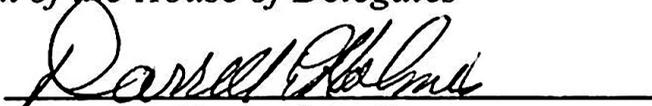
Chairman, Senate Committee

Originating in the House.

To take effect from passage.



Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



Acting President of the Senate

The within is approved this the 21st
day of March, 2011.



Governor

OFFICE OF THE CLERK
SECRETARY OF STATE

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FILED

PRESENTED TO THE GOVERNOR

MAR 15 2011

Time 2:15 pm