HB 3114

House Bill No. 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.
I (a) Notwithstanding any provision of law to the contrary and any rule issued by the state agency, a nonprofit community group designated by a county commission shall not be required to apply for or obtain a certificate of need, an exemption from certificate of need review, a determination of nonreviewability, or any other approval from the state agency in order to develop and operate a nursing home on the grounds of a critical access hospital provided that:

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

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

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

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

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

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

(b) The establishment of a nursing home and nursing beds under this section shall be exempt from the nursing home bed moratorium pursuant to subsection (g), section five of this article.
(c) Any nursing home developed and operated pursuant to this section shall be subject to all certificate of need laws and rules as they pertain to any transactions subsequent to the development and commencement of operation of such 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 bill is approved this the 21st
day of March, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 15 2011

Time 2:15 pm