WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4504

(By Delegates Border, Anderson, Ellem, Perdue, Boggs,
D. Poling, Azinger and Staggers)

Passed March 9, 2012

To Take Effect Ninety Days From Passage
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5c, relating to development and operation of a nursing home by a nonprofit community health care organization designated by a county commission; creating an exemption from the current moratorium on nursing home beds; establishing the prerequisite requirements for the exemption; and mandating conformance to current 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-5c, to read as follows:
ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-5c. Exception permitting development and operation of certain nursing beds by a nonprofit community health care organization.

(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 be exempt from the existing moratorium on nursing home beds established in subsection (g), section five of this article, in order to develop and operate a nursing home bed facility in any county in West Virginia that currently is without a nursing home provided that:

1. The nursing bed facility will be located in the county of that county commission;
2. The nursing bed facility will be operated on real property owned by the nonprofit community health care organization and designated by the county commission;
3. The nursing bed facility will exist in a county which has been continuously without nursing home beds since prior to the nursing home bed moratorium was enacted;
4. The nonprofit community group develops and operates no more than thirty-six nursing home beds pursuant to this section; and
5. The nonprofit community group applies for a license to operate the nursing home within twenty-four months after the effective date of this section.

(b) The establishment of a nursing home and nursing beds under this section shall be required to apply for a certificate of need and shall be subject to all certificate of need laws and rules.
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 ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 2nd day of August, 2012.

Governor
PRESENTED TO THE GOVERNOR

MAR 27 2012

Time 1:30 pm