

1 **ENROLLED**

2 **H. B. 3114**

3  
4 (By Delegates Mahan, Moye, Sumner, Crosier,  
5 O'Neal and Snuffer)

6 [Passed March 8, 2011; in effect from passage.]  
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10 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §16-2D-5b, relating  
12 to development and operation of a nursing home on the grounds  
13 of a critical access hospital meeting certain restrictions and  
14 exemptions from nursing home moratorium and certificate of  
15 need requirements.

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

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

20 **ARTICLE 2D. CERTIFICATE OF NEED.**

21 **§16-2D-5B. Exception permitting development and operation of**  
22 **certain nursing beds.**

23 (a) Notwithstanding any provision of law to the contrary and  
24 any rule issued by the state agency, a nonprofit community group

1 designated by a county commission shall not be required to apply  
2 for or obtain a certificate of need, an exemption from certificate  
3 of need review, a determination of nonreviewability, or any other  
4 approval from the state agency in order to develop and operate a  
5 nursing home on the grounds of a critical access hospital provided  
6 that:

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

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

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

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

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

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

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

24       (c) Any nursing home developed and operated pursuant to this

1 section shall be subject to all certificate of need laws and rules  
2 as they pertain to any transactions subsequent to the development  
3 and commencement of operation of such nursing home.