

**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

# 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*

\_\_\_\_\_  
*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
*Governor*