

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4504**

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

6  
7 (Originating in the Committee on the Judiciary)

8 [February 24, 2012]

9  
10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §16-2D-5c, relating  
12 to development and operation of a nursing home on the grounds  
13 of a nonprofit community health care organization; meeting  
14 certain restrictions and exempting them from nursing home  
15 moratorium.

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-5c, to read as  
19 follows:

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

21 **§16-2D-5c. Exception permitting development and operation of**  
22 **certain nursing beds by a nonprofit community health**  
23 **care organization.**

24 (a) Notwithstanding any provision of law to the contrary and  
25 any rule issued by the state agency, a nonprofit community group  
26 designated by a county commission shall be exempt from the existing  
27 moratorium on nursing home beds established in subsection (g),

1 section five of this article, in order to develop and operate a  
2 nursing home bed facility in any county in West Virginia that  
3 currently is without a nursing home provided that:

4 (1) The nursing bed facility will be located in the county of  
5 that county commission;

6 (2) The nursing bed facility will be operated on real property  
7 owned by the nonprofit community health care organization and  
8 designated by the county commission;

9 (3) The nursing bed facility will exist in a county which has  
10 been continuously without nursing home beds since prior to the  
11 nursing home bed moratorium was enacted;

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

14 (5) The nonprofit community group applies for a license to  
15 operate the nursing home within twenty-four months after the  
16 effective date of this section.

17 (b) The establishment of a nursing home and nursing beds under  
18 this section shall be required to apply for a certificate of need  
19 and shall be subject to all certificate of need laws and rules.