1	Senate Bill No. 425
2	(By Senators Boley and Nohe)
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4	[Introduced January 25, 2012; referred to the Committee on Health
5	and Human Resources; and then to the Committee on Government
6	Organization.]
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11	A BILL to amend the Code of West Virginia, 1931, as amended, by
12	adding thereto a new section, designated §16-2D-5c, relating
13	to development and operation of a nursing home on the grounds
14	of a nonprofit community health care organization meeting
15	certain restrictions; and exemptions from nursing home
16	moratorium and certificate of need requirements.
17	Be it enacted by the Legislature of West Virginia:
18	That the Code of West Virginia, 1931, as amended, be amended
19	by adding thereto a new section, designated \$16-2D-5c, to read as
20	follows:
21	ARTICLE 2D. CERTIFICATE OF NEED.
22	§16-2D-5c. Exception permitting development and operation of
23	certain nursing beds by a nonprofit community health

1 care organization.

- 2 (a) Notwithstanding any provision of law to the contrary and
 3 any rule issued by the state agency, a nonprofit community group
 4 designated by a county commission shall not be required to apply
 5 for or obtain a certificate of need, an exemption from certificate
 6 of need review, a determination of nonreviewability, or any other
 7 approval from the state agency in order to develop and operate a
 8 nursing home bed facility in any county in West Virginia that
 9 currently is without a nursing home provided that:
- 10 (1) The nursing bed facility will be located in the county of 11 that county commission;
- 12 (2) The nursing bed facility will be operated on real property
 13 owned by the nonprofit community health care organization and
 14 designated by the county commission;
- 15 (3) The nursing bed facility would exist in a county which has 16 been continuously without nursing home beds since prior to the 17 nursing home bed moratorium was enacted;
- 18 (4) The county commission of such a county would grant the 19 nonprofit community health organization no more than \$75,000, 20 funded by the state for the development of a strategic plan for 21 long-term care of the counties residents;
- 22 (5) The plan would:
- 23 (A) Be completed within three months of passage of this

- 1 legislation;
- 2 (B) Receive input from relevant community stakeholders; and
- 3 (C) Make recommendations to the county commission regarding:
- 4 (i) Integration of transitional care, home based care,
- 5 outpatient and community based senior services;
- 6 (ii) Workforce development; and
- 7 (iii) regulatory awareness.
- 8 (6) The nonprofit community group develops and operates no
- 9 more than thirty-six nursing home beds pursuant to this section;
- 10 and
- 11 (7) The nonprofit community group applies for a license to
- 12 operate the nursing home within twenty-four months after the
- 13 effective date of this section.
- 14 (b) The establishment of a nursing home and nursing beds under
- 15 this section shall be exempt from the nursing home bed moratorium
- 16 pursuant to subsection (q), section five of this article.
- 17 (c) Any nursing home developed and operated pursuant to this
- 18 section shall be subject to all certificate of need laws and rules
- 19 as they pertain to any transactions subsequent to the development
- 20 and commencement of operation of such nursing home.

NOTE: The purpose of this bill is to authorize the development and operation of a nursing home on the grounds of nonprofit

community health care organizations meeting certain restrictions and exemptions from nursing home moratorium and certificate of need requirements.

This section is new; therefore, strike-throughs and underscoring have been omitted.