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2012 APR -2 PM 3: 15

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

HB 4504

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COMMITTEE SUBSTITUTE

FOR

H. B. 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.

1 (a) Notwithstanding any provision of law to the contrary and
2 any rule issued by the state agency, a nonprofit community group
3 designated by a county commission shall be exempt from the
4 existing moratorium on nursing home beds established in
5 subsection (g), section five of this article, in order to develop and
6 operate a nursing home bed facility in any county in West Virginia
7 that currently is without a nursing home provided that:

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

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

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

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

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

22 (b) The establishment of a nursing home and nursing beds
23 under this section shall be required to apply for a certificate of
24 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.



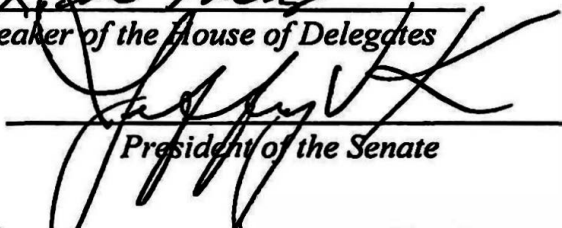
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

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



Governor

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

MAR 27 2012

Time 1:30 pm