

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 599**

4 (By Senators Stollings and Kirkendoll)

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6 [Originating in the Committee on Health and Human Resources;  
7 reported February 18, 2014.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §16-2D-5d, relating  
12 to creating an exemption from the moratorium on skilled  
13 nursing beds for speciality skilled nursing beds; defining  
14 terms; and setting forth limitations.

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

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

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

20 **§16-2D-5d. Exception permitting speciality skilled nursing beds.**

21 (a) Any hospital, nursing home or other health care facility  
22 that is subject to certificate of need requirements may apply for  
23 a certificate of need for skilled nursing beds that would otherwise  
24 be precluded pursuant to the provisions of subsection (g) of

1 section five of this article if the skilled nursing beds will be  
2 designated as speciality skilled nursing beds which will provide  
3 skilled nursing services beyond that which is traditionally  
4 provided to a patient in a skilled nursing bed.

5 (b) The state agency may grant a certificate of need for  
6 speciality skilled nursing beds up to the limits of the number of  
7 skilled nursing beds that were in existence at the time of the  
8 original enactment of subsection (g) of section five of this  
9 article.

10 (c) Upon receipt of a certification of need application, the  
11 state agency shall notify the Bureau for Medical Services of the  
12 application for specialty skilled nursing bed. The Bureau of  
13 Medical Services shall submit to the state agency a financial  
14 impact statement stating the potential cost to the state of  
15 allowing the speciality skilled nursing beds and the potential  
16 impact upon the budget of the Bureau for Medical Services should  
17 the beds be allowed. The state agency shall consider the financial  
18 impact when rendering a decision regarding the certificate of need  
19 application.

20 (d) For purposes of this section a "speciality skilled nursing  
21 bed" shall mean any skilled nursing bed where skilled nursing care  
22 and related services are provided for residents who require medical  
23 or nursing care or rehabilitation services on an inpatient basis  
24 but whose medical or nursing care or rehabilitation services exceed

1 the traditional standard of skilled nursing care. Speciality  
2 skilled nursing beds include beds for patients with special needs  
3 that exceed the care they can receive in most existing skilled  
4 nursing beds.

5 (e) The Health Care Authority shall propose rules for  
6 legislative approval in accordance with the provisions of article  
7 three, chapter twenty-nine-a of this code to effectuate the  
8 provisions of this section.