FILED

2014 MAR 31 P 8-08

OFFICE WEST VIRGINIA SECRETARY OF STATE

## **WEST VIRGINIA LEGISLATURE**

**SECOND REGULAR SESSION, 2014** 

# ENROLLED

House Bill No. 4332

(By Delegates Border, Anderson, Ellem, Azinger, Perdue, Poling, D., Staggers, Ellington, Cowles, Fleischauer and Lane)

Passed March 7, 2014

In effect from passage.



#### ENROLLED

### H.B. 4332

(BY DELEGATES BORDER, ANDERSON, ELLEM, AZINGER, PERDUE, POLING, D., STAGGERS, ELLINGTON, COWLES, FLEISCHAUER AND LANE)

[Passed March 7, 2014; in effect from passage.]

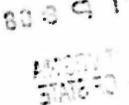
AN ACT to amend and reenact §16-2D-5c of the Code of West Virginia, 1931, as amended, relating to extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Be it enacted by the Legislature of West Virginia:

That §16-2D-5c of the Code of West Virginia, 1931, as amended, be amended and reenacted 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
  - 3 group designated by a county commission is exempt from the



- and the stablished in the stablished 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
    7 Virginia that currently is without a nursing home if:

    - 8 (1) The nursing bed facility will be located in the county of 9 that county commission;
    - 10 (2) The nursing bed facility will be operated on real property
    - 11 owned by the nonprofit community health care organization and
    - designated by the county commission; 12
    - 13 (3) The nursing bed facility will exist in a county which has
    - 14 been continuously without nursing home beds since prior to the
    - 15 nursing home bed moratorium was enacted;
    - 16 (4) The nonprofit community group develops and operates
    - 17 no more than thirty-six nursing home beds pursuant to this
    - 18 section; and
    - (5) The nonprofit community group applies for a license to 19
    - operate the nursing home by July 1, 2016. 20
    - (b) The establishment of a nursing home and nursing beds 21
    - 22 under this section requires a certificate of need and is subject to
    - all certificate of need laws and rules. 23

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Samue Del	
Chairman, House Committee	
Member Shairman, Senate Committee	
Originating in the House.	
In effect from passage.	
Sugar 2. Sad	
Clerk of the House of Delegates	
Joseph M. Minard	
Clerk of the Senate	
July luy	
Speaker of the House of Delegates	
J-FFI V	
President of the Senate	
The within is approvedthis the 31 5+	
day of Monch, 2014.	
Carl Ray Somble	•
Governor	

#### PRESENTED TO THE GOVERNOR

10.3.28 2.3

Time 10:45 km