

1 **Senate Bill No. 64**

2 (By Senators Stollings, Plymale and Kirkendoll)

3 _____
4 [Introduced January 14, 2015; referred to the Committee on Health and Human Resources.]
5 _____

6
7
8
9 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
10 designated §16-2D-5d, relating to creating exemption from moratorium on skilled nursing
11 beds for speciality skilled nursing beds; defining terms; and setting forth limitations.

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

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

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

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

17 (a) Any hospital, nursing home or other health care facility that is subject to certificate of
18 need requirements may apply for a certificate of need for skilled nursing beds that would otherwise
19 be precluded pursuant to the provisions of subsection (g) of section five of this article if the skilled
20 nursing beds will be designated as speciality skilled nursing beds which will provide skilled nursing
21 services beyond that which is traditionally provided to a patient in a skilled nursing bed.

22 (b) The state agency may grant a certificate of need for speciality skilled nursing beds up to

1 the limits of the number of skilled nursing beds that were in existence at the time of the original
2 enactment of subsection (g) of section five of this article.

3 (c) Upon receipt of a certification of need application, the state agency shall notify the Bureau
4 for Medical Services of the application for specialty skilled nursing bed. The Bureau of Medical
5 Services shall submit to the state agency a financial impact statement stating the potential cost to the
6 state of allowing the speciality skilled nursing beds and the potential impact upon the budget of the
7 Bureau for Medical Services should the beds be allowed. The state agency shall consider the
8 financial impact when rendering a decision regarding the certificate of need application.

9 (d) For purposes of this section a “speciality skilled nursing bed” means any skilled nursing
10 bed where skilled nursing care and related services are provided for residents who require medical
11 or nursing care or rehabilitation services on an inpatient basis but whose medical or nursing care or
12 rehabilitation services exceed the traditional standard of skilled nursing care. Speciality skilled
13 nursing beds include beds for patients with special needs that exceed the care they can receive in
14 most existing skilled nursing beds.

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

NOTE: The purpose of this bill is to provide an exemption from the moratorium on skilled nursing beds for beds for patients whose medical or nursing care or rehabilitation services exceed the traditional standard of skilled nursing care.

§16-2D-5d is new; therefore, strike-throughs and underscoring have been omitted.