

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4243

(BY DELEGATES BORDER, ELLINGTON, ARVON, KELLY,
SOBONYA, ANDERSON, DEEM AND IRELAND)

[Introduced January 22, 2016; Referred
to the Committee on Health and Human Resources.]

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

Be it enacted by the Legislature of West Virginia:

1 That §16-2D-5c of the Code of West Virginia, 1931, as amended, be amended and
2 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 any rule issued by the state
2 agency, a nonprofit community group designated by a county commission is exempt from the
3 existing moratorium on nursing home beds established in subsection (g), section five of this
4 article, in order to develop and operate a nursing home bed facility in any county in West Virginia
5 that currently is without a nursing home if:

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

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

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

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

13 (5) The nonprofit community group applies for a license to operate the nursing home by
14 July 1, ~~2016~~ 2017.

15 (b) The establishment of a nursing home and nursing beds under this section requires a
16 certificate of need and is subject to all certificate of need laws and rules.

NOTE: The purpose of this bill is to extend the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.