1	Senate Bill No. 527
2	(By Senators Miller, Wills and Yost)
3	
4	[Introduced February 16, 2011; referred to the Committee on
5	Health and Human Resources; and then to the Committee on the
6	Judiciary.]
7	
8	
9	
LO	
L1	A BILL to amend the Code of West Virginia, 1931, as amended, by
L2	adding thereto a new section, designated §16-2D-5b, relating
L3	to development and operation of a nursing home on the grounds
L 4	of a critical access hospital meeting certain restrictions and
L 5	exemptions from nursing home moratorium and certificate of
L 6	need requirements.
L 7	Be it enacted by the Legislature of West Virginia:
L 8	That the Code of West Virginia, 1931, as amended, be amended
L 9	by adding thereto a new section, designated \$16-2D-5b, to read as
20	follows:
21	ARTICLE 2D. CERTIFICATE OF NEED.
22	§16-2D-5b. Exception permitting development and operation of
23	certain nursing beds.
24	(a) Notwithstanding any provision of law to the contrary and

- 1 any rule issued by the state agency, a nonprofit community group
- 2 designated by a county commission shall not be required to apply
- 3 for or obtain a certificate of need, an exemption from certificate
- 4 of need review, a determination of nonreviewability, or any other
- 5 approval from the state agency in order to develop and operate a
- 6 nursing home on the grounds of a critical access hospital provided
- 7 that:
- 8 (1) The critical access hospital is located in the county of
- 9 such county commission;
- 10 (2) The critical access hospital is operated on real property
- 11 owned by such county;
- 12 (3) The critical access hospital previously operated a long-
- 13 term care unit on the grounds of the critical access hospital;
- 14 (4) The critical access hospital closed such long-term care
- 15 unit between December 1, 2010 and February 28, 2011;
- 16 (5) The nonprofit community group develops and operates no
- 17 more than thirty-six nursing home beds pursuant to this section;
- 18 and
- 19 (6) The nonprofit community group applies for a license to
- 20 operate the nursing home within six months after the effective date
- 21 of this section.
- 22 (b) The establishment of a nursing home and nursing beds under
- 23 this section shall be exempt from the nursing home bed moratorium
- 24 pursuant to subsection (g), section five of this article.

- 1 $\,$ (c) Any nursing home developed and operated pursuant to this
- 2 section shall be subject to all certificate of need laws and rules
- 3 as they pertain to any transactions subsequent to the development
- 4 and commencement of operation of such nursing home.

NOTE: The purpose of this bill is to allow the development and operation of a nursing home on the grounds of a critical access hospital meeting certain restrictions and exemptions from nursing home moratorium and CON requirements.

This section is new; therefore, strike-throughs and underscoring have been omitted.