

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4504**

5 (By Delegates Border, Anderson, Ellem, Perdue,
6 Boggs, D. Poling, Azinger and Staggers)

7
8 [Passed March 9, 2012; in effect ninety days from passage.]

9
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §16-2D-5c, relating
12 to development and operation of a nursing home by a nonprofit
13 community health care organization designated by a county
14 commission; creating an exemption from the current moratorium
15 on nursing home beds; establishing the prerequisite
16 requirements for the exemption; and mandating conformance to
17 current certificate of need requirements.

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

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

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

23 **§16-2D-5c. Exception permitting development and operation of**
24 **certain nursing beds by a nonprofit community health**
25 **care organization.**

26 (a) Notwithstanding any provision of law to the contrary and
27 any rule issued by the state agency, a nonprofit community group

1 designated by a county commission shall be exempt from the existing
2 moratorium on nursing home beds established in subsection (g),
3 section five of this article, in order to develop and operate a
4 nursing home bed facility in any county in West Virginia that
5 currently is without a nursing home provided that:

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

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

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

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

16 (5) The nonprofit community group applies for a license to
17 operate the nursing home within twenty-four months after the
18 effective date of this section.

19 (b) The establishment of a nursing home and nursing beds under
20 this section shall be required to apply for a certificate of need
21 and shall be subject to all certificate of need laws and rules.