

H. B. 4504

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

[Introduced February 13, 2012; referred to the
Committee on Health and Human Resources then the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §16-2D-5c, relating
to development and operation of a nursing home on the grounds
of a nonprofit community health care organization; meeting
certain restrictions and exemptions from nursing home
moratorium and certificate of need requirements.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §16-2D-5c, 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.**

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

1 designated by a county commission shall not be required to apply for
2 or obtain a certificate of need, an exemption from certificate of
3 need review, a determination of nonreviewability, or any other approval
4 from the state agency in order to develop and operate a nursing home
5 bed facility in any county in West Virginia that currently is
6 without a nursing home provided that:

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

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

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

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

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

20 (b) The establishment of a nursing home and nursing beds under
21 this section shall be exempt from the nursing home bed moratorium
22 pursuant to subsection (g), section five of this article.

23 (c) Any nursing home developed and operated pursuant to this
24 section shall be subject to all certificate of need laws and rules

- 1 as they pertain to any transactions subsequent to the development
- 2 and commencement of operation of such nursing home.

NOTE: The purpose of this bill is to authorize the development and operation of a nursing home on the grounds of nonprofit community health care organizations meeting certain restrictions and exemptions from nursing home moratorium and certificate of need requirements.

This section is new; therefore, it has been completely underscored.