

1 **H. B. 3246**

2
3 (By Delegate Mahan)

4 [Introduced February 21, 2011; referred to the
5 Committee on the Judiciary.]
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10 A BILL to authorize the development and operation of a nursing home
11 on the grounds of a critical access hospital in Summers
12 County.

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

14 **§1. Nursing homes on the grounds of critical access hospitals.**

15 (a) Notwithstanding any provision of law to the contrary and
16 any rule issued by a state agency, a nonprofit community group
17 designated by the County Commission of Summers County shall not be
18 required to apply for or obtain a certificate of need, an exemption
19 from certificate of need review, a determination of
20 nonreviewability, or any other approval from the state agency in
21 order to develop and operate a nursing home on the grounds of a
22 critical access hospital provided that:

23 (1) The critical access hospital is located in Summers County;

24 (2) The critical access hospital is operated on real property

1 owned by Summer County;

2 (3) The critical access hospital previously operated a long-
3 term care unit on the grounds of the critical access hospital;

4 (4) The critical access hospital closed such long-term care
5 unit between December 1, 2010, and February 28, 2011;

6 (5) The nonprofit community group develops and operates no
7 more than thirty-six nursing home beds pursuant to this act; and

8 (6) The nonprofit community group applies for a license to
9 operate the nursing home within six months after the effective date
10 of this act.

11 (b) The establishment of a nursing home and nursing beds under
12 this act shall be exempt from the nursing bed moratorium pursuant
13 to subsection (g), section five, article two-d, chapter sixteen of
14 the Code of West Virginia, 1931, as amended.

15 (c) Any nursing home developed and operated pursuant to this
16 act shall be subject to all certificate of need laws and rules as
17 they pertain to any transactions subsequent to the development and
18 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 in Summers County meeting certain restrictions and exemptions from nursing home moratorium and CON requirements.

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