

H. B. 3114

(BY DELEGATES MAHAN, MOYE, SUMNER, CROSIER,
O'NEAL AND SNUFFER)

[Introduced February 11, 2011; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2D-5b, relating to 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 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-5b, to read as follows:

ARTICLE 2D. CERTIFICATE OF NEED.

§16-2D-5B. Exception permitting development and operation of certain nursing beds.

1 (a) Notwithstanding any provision of law to the contrary
2 and any rule issued by the state agency, a nonprofit
3 community group designated by a county commission shall
4 not be required to apply for or obtain a certificate of need, an
5 exemption from certificate of need review, a determination
6 of nonreviewability, or any other approval from the state
7 agency in order to develop and operate a nursing home on the
8 grounds of a critical access hospital provided that:

9 (1) The critical access hospital is located in the county of
10 such county commission;

11 (2) The critical access hospital is operated on real
12 property owned by such county;

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

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

18 (5) The nonprofit community group develops and
19 operates no more than thirty-six nursing home beds pursuant
20 to this section; and

21 (6) The nonprofit community group applies for a license
22 to operate the nursing home within six months after the
23 effective date of this section.

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

28 (c) Any nursing home developed and operated pursuant
29 to this section shall be subject to all certificate of need laws
30 and rules as they pertain to any transactions subsequent to the
31 development and commencement of operation of such
32 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, it has been completely underscored.