

# **WEST VIRGINIA LEGISLATURE**

**SECOND REGULAR SESSION, 2012**



# **ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**House Bill No. 4504**

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



Passed March 9, 2012

To Take Effect Ninety Days From Passage

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

## **H. B. 4504**

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(BY DELEGATES BORDER, ANDERSON, ELLEM, PERDUE,  
BOGGS, D. POLING, AZINGER AND STAGGERS)

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[Passed March 9, 2012; to take effect ninety days from passage.]

AN ACT 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 by a nonprofit community health care organization designated by a county commission; creating an exemption from the current moratorium on nursing home beds; establishing the prerequisite requirements for the exemption; and mandating conformance to current 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.**

1 (a) Notwithstanding any provision of law to the contrary and  
2 any rule issued by the state agency, a nonprofit community group  
3 designated by a county commission shall be exempt from the  
4 existing moratorium on nursing home beds established in  
5 subsection (g), section five of this article, in order to develop and  
6 operate a nursing home bed facility in any county in West Virginia  
7 that currently is without a nursing home provided that:

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

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

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*