

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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(Originating in the Committee on the Judiciary)  
[February 24, 2012]

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 exempting them from nursing home moratorium.

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

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

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

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

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

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

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