1	н. в. 4332
2	
3 4 5 6	(By Delegates Border, Anderson, Ellem, Azinger, Perdue, D. Poling, Staggers, Joe Ellington, Cowles, Fleischauer and Lane)
7	[Introduced January 24, 2014; referred to the
8	Committee on Health and Human Resources.]
9	
10	A BILL to amend and reenact $\$16-2D-5c$ of the Code of West Virginia,
11	1931, as amended, relating to extending the time that certain
12	nonprofit community groups are exempt from the moratorium on
13	creating new nursing home beds.
14	Be it enacted by the Legislature of West Virginia:
15	That \$16-2D-5c of the Code of West Virginia, 1931, as amended,
16	be amended and reenacted to read as follows:
17	ARTICLE 2D. CERTIFICATE OF NEED.
18	§16-2D-5c. Exception permitting development and operation of
19	certain nursing beds by a nonprofit community
20	health care organization.
21	(a) Notwithstanding any provision of law to the contrary and
22	any rule issued by the state agency, a nonprofit community group
23	designated by a county commission shall be is exempt from the
24	existing moratorium on nursing home beds established in subsection
25	(g), section five of this article, in order to develop and operate

- 1 a nursing home bed facility in any county in West Virginia that
- 2 currently is without a nursing home provided that if:
- 3 (1) The nursing bed facility will be located in the county of
- 4 that county commission;
- 5 (2) The nursing bed facility will be operated on real property
- 6 owned by the nonprofit community health care organization and
- 7 designated by the county commission;
- 8 (3) The nursing bed facility will exist in a county which has
- 9 been continuously without nursing home beds since prior to the
- 10 nursing home bed moratorium was enacted;
- 11 (4) The nonprofit community group develops and operates no
- 12 more than thirty-six nursing home beds pursuant to this section;
- 13 and
- 14 (5) The nonprofit community group applies for a license to
- 15 operate the nursing home within twenty-four months after the
- 16 effective date of this section by July 1, 2016.
- 17 (b) The establishment of a nursing home and nursing beds under
- 18 this section shall be required to apply for requires a certificate
- 19 of need and shall be is subject to all certificate of need laws and
- 20 rules.

NOTE: The purpose of this bill is to extend the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.