

1 ENROLLED

2 **H. B. 4332**

3  
4 (By Delegates Border, Anderson, Ellem,  
5 Azinger, Perdue, D. Poling, Staggers,  
6 Ellington, Cowles, Fleischauer and Lane)  
7

8 [Passed March 7, 2014; in effect from passage.]

9  
10 AN ACT 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 is exempt from the existing  
24 moratorium on nursing home beds established in subsection (g),  
25 section five of this article, in order to develop and operate a

1 nursing home bed facility in any county in West Virginia that  
2 currently is without a nursing home 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 by July 1, 2016.

16       (b) The establishment of a nursing home and nursing beds under  
17 this section requires a certificate of need and is subject to all  
18 certificate of need laws and rules.