

FILED

2014 MAR 31 P 8:08

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

House Bill No. 4332

**(By Delegates Border, Anderson, Ellem,
Azinger, Perdue, Poling, D., Staggers,
Ellington, Cowles, Fleischauer and Lane)**



Passed March 7, 2014

In effect from passage.

HB 4332

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E N R O L L E D

H. B. 4332

(BY DELEGATES BORDER, ANDERSON, ELLEM,
AZINGER, PERDUE, POLING, D., STAGGERS,
ELLINGTON, COWLES, FLEISCHAUER AND LANE)

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

AN ACT to amend and reenact §16-2D-5c of the Code of West Virginia, 1931, as amended, relating to extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Be it enacted by the Legislature of West Virginia:

That §16-2D-5c of the Code of West Virginia, 1931, as amended, be amended and reenacted 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
3 group designated by a county commission is exempt from the**

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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
7 Virginia that currently is without a nursing home if:

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

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

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

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

19 (5) The nonprofit community group applies for a license to
20 operate the nursing home by July 1, 2016.

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

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

Sammy Dicks
 Chairman, House Committee

[Signature]
 Member ~~Chairman~~, Senate Committee

Originating in the House.

In effect from passage.

Bryce A. Cook
 Clerk of the House of Delegates

Joseph W. Meisner
 Clerk of the Senate

[Signature]
 Speaker of the House of Delegates

[Signature]
 President of the Senate

The within is approved this the 31st day of March, 2014.

Carl Roy Tomblin
 Governor

PRESENTED TO THE GOVERNOR

MAR 28 2019

Time 10:45 hr