

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 4 of Title 32.1 a section*
3 *numbered 32.1-102.13, relating to certificate of public need.*

4 [S 337]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Article 1.1 of Chapter 4 of Title 32.1 a**
8 **section numbered 32.1-102.13 as follows:**9 *§ 32.1-102.13. Transition to elimination of medical care facilities certificate of public need.*10 *A. Transition required. A transition for elimination of the requirements for determination of need*
11 *pursuant to Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of this title shall begin on July 1, 2001, and*
12 *shall be completed by July 1, 2004, as determined by the General Assembly.*13 *B. Plan to be developed. The deregulation required by this section shall be accomplished in*
14 *accordance with a plan to be developed by the Joint Commission on Health Care. The Joint*
15 *Commission on Health Care shall work collaboratively with the Departments of Health, Medical*
16 *Assistance Services, and Health Professions in conjunction with the implementation of the provisions of*
17 *this section. The Departments of Health, Medical Assistance Services, and Health Professions shall*
18 *provide technical assistance to the Joint Commission. All agencies of the Commonwealth shall provide*
19 *assistance to the Joint Commission, upon request. The Joint Commission shall seek input from all*
20 *classes of health care consumers, providers, and representatives of health care facilities in the*
21 *performance of the duties of the Joint Commission hereunder. The plan shall include recommendations*
22 *for legislative and administrative consideration to carry out, in accordance with subsection A of this*
23 *section, the elimination of the requirements for determination of need. Such plan shall be submitted to*
24 *the chairmen of the House Appropriations, Senate Finance, House Health, Welfare and Institutions, and*
25 *Senate Education and Health Committees on or before December 1, 2000, for review and approval by*
26 *the 2001 Session of the General Assembly.*27 *C. Components of the plan. The plan for deregulation to be developed by the Joint Commission on*
28 *Health Care shall include, but need not be limited to, provisions for (i) meeting the health care needs of*
29 *the indigent citizens of the Commonwealth, including access to care and provision for all health care*
30 *providers to share in meeting such needs; (ii) meeting the health care needs of the uninsured citizens of*
31 *the Commonwealth, including access to care; (iii) establishing licensure standards for the various*
32 *deregulated services, including whether nationally recognized accreditation standards may be adopted,*
33 *to protect the public health and safety and to promote the quality of services provided by deregulated*
34 *medical facilities and projects; (iv) providing adequate oversight of the various deregulated services to*
35 *protect the public health and safety; (v) providing for monitoring the effects of deregulation during the*
36 *transition period and after full implementation of this section on the number and location of medical*
37 *facilities and projects throughout the Commonwealth; (vi) determining the effect of deregulation of*
38 *long-term care facilities and new hospitals with respect to the requirements for determination of need;*
39 *(vii) determining the effect of deregulation on the unique mission of academic medical centers; (viii)*
40 *determining the effect of deregulation on rural hospitals which are critical access hospitals; (ix)*
41 *recommending a schedule for necessary statutory changes to implement the plan and for requiring,*
42 *subject to approval of the General Assembly, that the appropriate regulatory boards promulgate*
43 *regulations implementing the Commission's plan prior to any deregulation recommended in the plan.*44 *D. Fiscal impact. In developing the plan, the Commission shall also consider the impact of*
45 *deregulation on state-funded health care financing programs and shall include an examination of the*
46 *fiscal impact of such deregulation on the market rates paid by such financing programs for health care*
47 *and long-term care services.*

ENROLLED

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