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**HOUSE BILL NO. 1290**

House Amendments in [ ] — February 10, 2004

*A BILL to amend and reenact §§ 32.1-102.1, 32.1-102.2, 32.1-123, 32.1-125, 32.1-125.1, 32.1-126, 32.1-127, 32.1-129, 32.1-130, 32.1-131, 32.1-133, and 32.1-135 of the Code of Virginia, relating to regulation and licensure of abortion clinics.*

Patron Prior to Engrossment—Delegate Reid

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-102.1, 32.1-102.2, 32.1-123, 32.1-125, 32.1-125.1, 32.1-126, 32.1-127, 32.1-129, 32.1-130, 32.1-131, 32.1-133, and 32.1-135 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-102.1. Definitions.

As used in this article, unless the context indicates otherwise:

"Certificate" means a certificate of public need for a project required by this article.

"Clinical health service" means a single diagnostic, therapeutic, rehabilitative, preventive or palliative procedure or a series of such procedures that may be separately identified for billing and accounting purposes.

"Health planning region" means a contiguous geographical area of the Commonwealth with a population base of at least 500,000 persons ~~which~~ *that* is characterized by the availability of multiple levels of medical care services, reasonable travel time for tertiary care, and congruence with planning districts.

"Medical care facility," as used in this title, means any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the State Mental Health, Mental Retardation and Substance Abuse Services Board, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated mentally or physically sick or injured persons, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged, physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical service plans. For purposes of this article, only the following medical care facilities shall be subject to review:

1. General hospitals.

2. Sanitariums.

3. Nursing homes.

4. Intermediate care facilities.

5. Extended care facilities.

6. Mental hospitals.

7. Mental retardation facilities.

8. Psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric or psychological treatment and rehabilitation of alcoholics or drug addicts.

9. Specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, *including any abortion clinic as defined in § 32.1-123*, cardiac catheterization, computed tomographic (CT) scanning, gamma knife surgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, radiation therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, or such other specialty services as may be designated by the Board by regulation.

10. Rehabilitation hospitals.

11. Any facility licensed as a hospital.

12. *Any abortion clinic as defined in § 32.1-123.*

The term "medical care facility" shall not include any facility of (i) the Department of Mental Health, Mental Retardation and Substance Abuse Services; or (ii) any nonhospital substance abuse residential treatment program operated by or contracted primarily for the use of a community services board under the Department of Mental Health, Mental Retardation and Substance Abuse Services' Comprehensive Plan; or (iii) a physician's office, except that portion of a physician's office described above in subdivision 9 of the definition of "medical care facility"; or (iv) the Woodrow Wilson Rehabilitation

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59 Center of the Department of Rehabilitative Services. "Medical care facility" shall also not include that  
60 portion of a physician's office dedicated to providing nuclear cardiac imaging.

61 "Project" means:

62 1. Establishment of a medical care facility;

63 2. An increase in the total number of beds or operating rooms in an existing medical care facility;

64 3. Relocation at the same site of ten beds or ~~ten~~ 10 percent of the beds, whichever is less, from one  
65 existing physical facility to another in any two-year period; however, a hospital shall not be required to  
66 obtain a certificate for the use of ~~ten~~ 10 percent of its beds as nursing home beds as provided in  
67 § 32.1-132;

68 4. Introduction into an existing medical care facility of any new nursing home service, such as  
69 intermediate care facility services, extended care facility services, or skilled nursing facility services,  
70 regardless of the type of medical care facility in which those services are provided;

71 5. Introduction into an existing medical care facility of any new cardiac catheterization, computed  
72 tomographic (CT) scanning, gamma knife surgery, lithotripsy, magnetic resonance imaging (MRI),  
73 magnetic source imaging (MSI), medical rehabilitation, neonatal special care, obstetrical, open heart  
74 surgery, positron emission tomographic (PET) scanning, psychiatric, organ or tissue transplant service,  
75 radiation therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging,  
76 substance abuse treatment, or such other specialty clinical services as may be designated by the Board  
77 by regulation, which the facility has never provided or has not provided in the previous ~~twelve~~ 12  
78 months;

79 6. Conversion of beds in an existing medical care facility to medical rehabilitation beds or  
80 psychiatric beds;

81 7. The addition by an existing medical care facility of any medical equipment for the provision of  
82 cardiac catheterization, computed tomographic (CT) scanning, gamma knife surgery, lithotripsy, magnetic  
83 resonance imaging (MRI), magnetic source imaging (MSI), open heart surgery, positron emission  
84 tomographic (PET) scanning, radiation therapy, or other specialized service designated by the Board by  
85 regulation. Replacement of existing equipment shall not require a certificate of public need; or

86 8. Any capital expenditure of ~~five~~ \$5 million dollars or more, not defined as reviewable in  
87 subdivisions 1 through 7 of this definition, by or in behalf of a medical care facility. However, capital  
88 expenditures between one and five million dollars shall be registered with the Commissioner pursuant to  
89 regulations developed by the Board.

90 "Regional health planning agency" means the regional agency, including the regional health planning  
91 board, its staff and any component thereof, designated by the Virginia Health Planning Board to perform  
92 the health planning activities set forth in this chapter within a health planning region.

93 "State Medical Facilities Plan" means the planning document adopted by the Board of Health which  
94 shall include, but not be limited to, (i) methodologies for projecting need for medical care facility beds  
95 and services; (ii) statistical information on the availability of medical care facilities and services; and  
96 (iii) procedures, criteria and standards for review of applications for projects for medical care facilities  
97 and services.

98 "Virginia Health Planning Board" means the statewide health planning body established pursuant to  
99 § 32.1-122.02 ~~which~~ that serves as the analytical and technical resource to the Secretary of Health and  
100 Human Resources in matters requiring health analysis and planning.

101 *On and after [ ~~July 1, 2004~~ January 1, 2005 ], all proposed and existing abortion clinics, as*  
102 *defined in § 32.1-123, shall be subject to this article as ambulatory surgery centers.*

103 § 32.1-102.2. Regulations.

104 A. The Board shall promulgate regulations ~~which~~ that are consistent with this article and:

105 1. Shall establish concise procedures for the prompt review of applications for certificates consistent  
106 with the provisions of this article ~~which~~ that may include a structured batching process ~~which~~ that  
107 incorporates, but is not limited to, authorization for the Commissioner to request proposals for certain  
108 projects. In any structured batching process established by the Board, applications, combined or separate,  
109 for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission  
110 tomographic (PET) scanning, radiation therapy or nuclear imaging shall be considered in the radiation  
111 therapy batch. A single application may be filed for a combination of (i) radiation therapy and (ii) any  
112 or all of the computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron  
113 emission tomographic (PET) scanning, and nuclear medicine imaging;

114 2. May classify projects and may eliminate one or more or all of the procedures prescribed in  
115 § 32.1-102.6 for different classifications;

116 3. May provide for exempting from the requirement of a certificate projects determined by the  
117 Commissioner, upon application for exemption, to be subject to the economic forces of a competitive  
118 market or to have no discernible impact on the cost or quality of health services;

119 4. Shall establish specific criteria for determining need in rural areas, giving due consideration to  
120 distinct and unique geographic, socioeconomic, cultural, transportation, and other barriers to access to

care in such areas and providing for weighted calculations of need based on the barriers to health care access in such rural areas in lieu of the determinations of need used for the particular proposed project within the relevant health systems area as a whole; and

5. May establish, on or after July 1, 1999, a schedule of fees for applications for certificates to be applied to expenses for the administration and operation of the certificate of public need program. Such fees shall not be less than \$1,000 nor exceed the lesser of one percent of the proposed expenditure for the project or \$20,000. Until such time as the Board shall establish a schedule of fees, such fees shall be one percent of the proposed expenditure for the project; however, such fees shall not be less than \$1,000 or more than \$20,000; and

6. *May establish an annual application process for abortion clinics in existence prior to [ July 1, 2004 January 1, 2005 ], that shall include the name of the abortion clinic and the reason why such clinic should be excluded from compliance with the provisions of this article.*

B. Pursuant to subdivision A 6, the Commissioner of Health shall determine whether existing abortion clinics have demonstrated sufficient cause to be excluded from the requirements set forth in this article. In determining whether an abortion clinic has demonstrated sufficient cause to be excluded from compliance with the provisions of this article, the Commissioner shall consider the following factors: (i) the costs of complying with the certificate of public need filing requirements; (ii) the number and types of services provided by such clinic; (iii) the status of the facility in satisfying the requirements set forth in regulation; and (iv) any plans for future development.

C. The Board shall promulgate regulations providing for time limitations for schedules for completion and limitations on the exceeding of the maximum capital expenditure amount for all reviewable projects. The Commissioner shall not approve any such extension or excess unless it complies with the Board's regulations.

D. The Board shall also promulgate regulations authorizing the Commissioner to condition approval of a certificate on the agreement of the applicant to provide a level of care at a reduced rate to indigents or accept patients requiring specialized care. In addition, the Board's licensure regulations shall direct the Commissioner to condition the issuing or renewing of any license for any applicant whose certificate was approved upon such condition on whether such applicant has complied with any agreement to provide a level of care at a reduced rate to indigents or accept patients requiring specialized care.

§ 32.1-123. Definitions.

As used in this article unless a different meaning or construction is clearly required by the context or otherwise:

"Abortion clinic" means any facility, other than a hospital as defined herein or an ambulatory surgery center as licensed by the Board, in which 25 or more first trimester abortions are performed in any 12-month period.

"Certified nursing facility" means any skilled nursing facility, skilled care facility, intermediate care facility, nursing or nursing care facility, or nursing home, whether freestanding or a portion of a freestanding medical care facility, that is certified as a Medicare or Medicaid provider, or both, pursuant to § 32.1-137.

"Class I violation" means failure of a nursing home or certified nursing facility to comply with one or more requirements of state or federal law or regulations which creates a situation that presents an immediate and serious threat to patient health or safety.

"Class II violation" means a pattern of noncompliance by a nursing home or certified nursing facility with one or more federal conditions of participation which indicates delivery of substandard quality of care but does not necessarily create an immediate and serious threat to patient health and safety. Regardless of whether the facility participates in Medicare or Medicaid, the federal conditions of participation shall be the standards for Class II violations.

"Hospital" means any facility licensed pursuant to this article in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

"Immediate and serious threat" means a situation or condition having a high probability that serious harm or injury to patients could occur at any time, or already has occurred, and may occur again, if patients are not protected effectively from the harm, or the threat is not removed.

"Inspection" means all surveys, inspections, investigations and other procedures necessary for the Department of Health to perform in order to carry out various obligations imposed on the Board or Commissioner by applicable state and federal laws and regulations.

"Nursing home" means any facility or any identifiable component of any facility licensed pursuant to this article in which the primary function is the provision, on a continuing basis, of nursing services and

182 health-related services for the treatment and inpatient care of two or more nonrelated individuals,  
183 including facilities known by varying nomenclature or designation such as convalescent homes, skilled  
184 nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing  
185 or nursing care facilities.

186 "Nonrelated" means not related by blood or marriage, ascending or descending or first degree full or  
187 half collateral.

188 "Substandard quality of care" means deficiencies in practices of patient care, preservation of patient  
189 rights, environmental sanitation, physical plant maintenance, or life safety ~~which~~ *that*, if not corrected,  
190 will have a significant harmful effect on patient health and safety.

191 § 32.1-125. Establishment or operation of abortion clinics, hospitals, and nursing homes prohibited  
192 without license or certification; licenses not transferable.

193 A. No person shall own, establish, conduct, maintain, manage or operate in ~~this~~ *the* Commonwealth  
194 any *abortion clinic*, hospital or nursing home unless such *abortion clinic*, hospital or nursing home is  
195 licensed or certified as provided in this article.

196 B. No license issued hereunder shall be assignable or transferable.

197 C. *On and after [ ~~July 1, 2004~~ January 1, 2005 ], no proposed abortion clinic shall operate in the*  
198 *Commonwealth unless such abortion clinic is licensed by the Board. The Board shall promulgate*  
199 *regulations for the licensure of abortion clinics that require that every licensed abortion clinic comply*  
200 *with the requirements for operation of ambulatory surgery centers in effect on June 30, 2004.*

201 § 32.1-125.1. Inspection of abortion clinics or hospitals by state agencies generally.

202 A. As used in this section unless the context requires a different meaning, "*abortion clinic*" or  
203 "*hospital*" means *an abortion clinic* or a hospital as defined in § 32.1-123 or § 37.1-1.

204 B. State agencies shall make or cause to be made only such inspections of hospitals as are necessary  
205 to carry out the various obligations imposed on each agency by applicable state and federal laws and  
206 regulations. Any on-site inspection by a state agency or a division or unit thereof that substantially  
207 complies with the inspection requirements of any other state agency or any other division or unit of the  
208 inspecting agency charged with making similar inspections shall be accepted as an equivalent inspection  
209 in lieu of an on-site inspection by said agency or by a division or unit of the inspecting agency. A state  
210 agency shall coordinate its hospital inspections both internally and with those required by other state  
211 agencies so as to ensure that the requirements of this section are met.

212 C. Notwithstanding any provision of law to the contrary, all hospitals licensed by the Department of  
213 Health or Department of Mental Health, Mental Retardation and Substance Abuse Services ~~which~~ *that*  
214 have been certified under the provisions of Title XVIII of the Social Security Act for hospital or  
215 psychiatric services or ~~which~~ *that* have obtained accreditation from the Joint Commission on  
216 Accreditation of Healthcare Organizations may be subject to inspections so long as such certification or  
217 accreditation is maintained but only to the extent necessary to ensure the public health and safety.

218 § 32.1-126. Commissioner to inspect and to issue licenses to or assure compliance with certification  
219 requirements for abortion clinics, hospitals, nursing homes and certified nursing facilities; notice of  
220 denial of license; consultative advice and assistance.

221 A. Pursuant to this article, the Commissioner shall issue licenses to, and assure compliance with  
222 certification requirements for *abortion clinics*, hospitals and nursing homes, and assure compliance with  
223 certification requirements for facilities owned or operated by agencies of the Commonwealth as defined  
224 in ~~subdivision~~ *clause* (vi) of § 32.1-124, which after inspection are found to be in compliance with the  
225 provisions of this article and with all applicable state and federal regulations. The Commissioner shall  
226 notify by certified mail or by overnight express mail any applicant denied a license of the reasons for  
227 such denial.

228 B. The Commissioner shall cause each and every *abortion clinic*, hospital, nursing home, and  
229 certified nursing facility to be inspected periodically, but not less often than biennially, in accordance  
230 with the provisions of this article and regulations of the Board.

231 Unless expressly prohibited by federal statute or regulation, the findings of the Commissioner, with  
232 respect to periodic surveys of nursing facilities conducted pursuant to the Survey, Certification, and  
233 Enforcement Procedures set forth in 42 C.F.R. Part 488, shall be considered case decisions pursuant to  
234 the Administrative Process Act (§ 2.2-4000 et seq.) and shall be subject to the Department's informal  
235 dispute resolution procedures, or, at the option of the Department or the nursing facility, the formal  
236 fact-finding procedures under § 2.2-4020. The Commonwealth shall be deemed the proponent for  
237 purposes of § 2.2-4020. Further, notwithstanding the provisions of clause (iii) of § 2.2-4025, such case  
238 decisions shall also be subject to the right to court review pursuant to Article 5 (§ 2.2-4025 et seq.) of  
239 Chapter 40 of Title 2.2.

240 C. The Commissioner may, in accordance with regulations of the Board, provide for consultative  
241 advice and assistance, with such limitations and restrictions as he deems proper, to any person who  
242 intends to apply for *an abortion clinic*, a hospital or nursing home license or nursing facility  
243 certification.

*D. Upon determining that any abortion clinic is in violation of this chapter, any other Virginia law or any regulation promulgated by an agency of the Commonwealth or any federal law or regulation, the Commissioner may, upon proper notice, deny, suspend, or revoke its license, or pursue one or more of the civil or criminal penalties provided in § 32.1-27. Appeals of such actions may be made in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).*

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.) of this chapter. *Further, the Board's regulations for licensure of abortion clinics shall require that such clinics comply with the requirements for ambulatory surgery centers in effect on June 30, 2004.*

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of *abortion clinics*, hospitals, nursing homes and certified nursing facilities to assure the environmental protection and the life safety of its patients and employees and the public; (ii) the operation, staffing and equipping of *abortion clinics*, hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of *abortion clinics*, hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by a *health regulatory board within* the Department of Health Professions; and (iv) conditions under which an *abortion clinic*, a hospital or nursing home may provide medical and nursing services to patients in their places of residence;

2. Shall provide that at least one physician who is licensed to practice medicine in ~~this the~~ Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital ~~which~~ that operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Health Care Financing Administration (HCFA), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in HCFA regulations for routine contact, whereby the provider's designated organ procurement organization certified by HCFA (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (i) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (ii) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C.

§ 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each *licensed abortion clinic* and each licensed hospital establish a protocol relating to the rights and responsibilities of patients ~~which~~ *that* shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be based on Joint Commission on Accreditation of Healthcare Organizations' standards;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.1-55.3 on such reporting procedures and the consequences for failing to make a required report; and

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed ~~seventy-two~~ 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article ~~which~~ *that* provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities ~~which~~ *that* have identified a lot ~~which~~ *that* is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 32.1-129. Application for license.

Each application for *an abortion clinic*, a hospital or nursing home license shall be made on a form prescribed by the Board. The application shall specify the *abortion clinic's, hospital's or nursing home's* official name ~~and the kind of hospital or nursing home, the~~, location ~~thereof~~, the name of the person in charge, and such additional relevant information as the Board requires.

§ 32.1-130. Service charges for hospitals and nursing homes; licensure fees for abortion clinics.

A. A service charge of \$1.50 per patient bed for which the hospital or nursing home is licensed, but not less than \$75 nor more than \$500, shall be paid for each license upon issuance and renewal. The service charge for a license for a hospital or nursing home ~~which~~ *that* does not provide overnight inpatient care shall be \$75.

B. All service charges received under the provisions of ~~this article~~ *subsection A* shall be paid into a special fund of the Department and ~~are~~ appropriated to the Department for the operation of the hospital and nursing home licensure and inspection program.

C. *All abortion clinics shall submit, in accordance with the Board's regulations, such licensure fees as may be required to support the costs of the abortion clinic licensure and inspection program.*

§ 32.1-131. Expiration and renewal of licenses.

All licenses *for abortion clinics, hospitals, and nursing homes* shall expire at midnight December 31 of the year issued, or as otherwise specified, and shall be required to be renewed annually.

§ 32.1-133. Display of license.

The current license *for all abortion clinics, hospitals, and nursing homes* shall at all times be posted in each *abortion clinic, hospital or nursing home* in a place readily visible and accessible to the public.

§ 32.1-135. Revocation or suspension of license or certification; restriction or prohibition of new

admissions to nursing home or on the operation of an abortion clinic.

A. In accordance with applicable regulations of the Board, the Commissioner (i) may restrict or prohibit new admissions to any nursing home or certified nursing facility *or the operation of any abortion clinic*, or (ii) may petition the court to impose a civil penalty against any nursing home or certified nursing facility *or abortion clinic* or to appoint a receiver for ~~such~~ a nursing home or certified nursing facility, or, *in the case of a nursing home or certified nursing facility*, both *the appointment of a receiver and a civil penalty*, or (iii) may revoke the certification or may revoke or suspend the license of *an abortion clinic*, a hospital or nursing home or the certification of any certified nursing facility for violation of any provision of this article or Article 2 (§ 32.1-138 et seq.) of this chapter or of any applicable regulation promulgated under this chapter or for permitting, aiding, or abetting the commission of any illegal act in the *abortion clinic*, hospital or nursing home.

All appeals from notice of imposition of administrative sanctions shall be received in writing within ~~fifteen~~ 15 days of the date of receipt of such notice. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall be applicable to such appeals.

B. If a license or certification is revoked as herein provided, a new license or certification may be issued by the Commissioner after satisfactory evidence is submitted to him that the conditions upon which revocation was based have been corrected and after proper inspection has been made and compliance with all provisions of this article and applicable state and federal law and regulations hereunder has been obtained.

C. Suspension of a license shall in all cases be for an indefinite time. The Commissioner may completely or partially restore a suspended license or certificate when he determines that the conditions upon which suspension was based have been completely or partially corrected and that the interests of the public will not be jeopardized by resumption of operation. No additional service charges shall be required for restoring such license.

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