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HOUSE BILL NO. 189**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Health, Welfare, and Institutions
on February 2, 2006)

(Patron Prior to Substitute—Delegate Marshall, R.G.)

A *BILL to amend and reenact §§ 32.1-102.1, 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; penalties.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-102.1, 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, except those intermediate care facilities established for the mentally retarded that have no more than 12 beds and are in an area identified as in need of residential services for people with mental retardation in any plan of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

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, 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.

The term "medical care facility" shall not include any facility of (i) the Department of Mental Health, Mental Retardation and Substance Abuse Services; (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; (iii) an intermediate care facility for the mentally retarded that has no more than 12 beds and is in an area identified as in need of residential services for people with mental retardation in any plan of the Department of Mental Health, Mental Retardation and Substance Abuse Services; (iv) a physician's

60 office, except that portion of a physician's office described above in subdivision 9 of the definition of
61 "medical care facility"; ~~or~~ (v) the Woodrow Wilson Rehabilitation Center of the Department of
62 Rehabilitative Services; *or* (vi) *an abortion clinic as defined in § 32.1-123*. "Medical care facility" shall
63 also not include that portion of a physician's office dedicated to providing nuclear cardiac imaging.

64 "Project" means:

65 1. Establishment of a medical care facility;

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

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

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

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

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

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

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

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

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

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

102 § 32.1-123. Definitions.

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

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

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

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

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

120 "Hospital" means any facility licensed pursuant to this article in which the primary function is the
121 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 health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

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

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

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

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

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

C. *On and after July 1, 2006, no proposed abortion clinic shall operate in the Commonwealth unless such abortion clinic is licensed by the Board. The Board shall promulgate regulations for the licensure of abortion clinics that require that every licensed abortion clinic comply with the requirements for operation of ambulatory surgery centers in effect on June 30, 2006, except the requirement for a certificate of public need pursuant to Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of this title.*

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

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

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

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

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

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

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

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

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

196 D. For the purpose of facilitating the prompt restoration of electrical service and prioritization of
197 customers during widespread power outages, the Commissioner shall notify on a quarterly basis all
198 electric utilities serving customers in Virginia as to the location of all nursing homes licensed in the
199 Commonwealth. The requirements of this subsection shall be met if the Commissioner maintains such
200 information on an electronic database accessible by electric utilities serving customers in Virginia.

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

206 § 32.1-127. Regulations.

207 A. The regulations promulgated by the Board to carry out the provisions of this article shall be in
208 substantial conformity to the standards of health, hygiene, sanitation, construction and safety as
209 established and recognized by medical and health care professionals and by specialists in matters of
210 public health and safety, including health and safety standards established under provisions of Title
211 XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.)
212 of this chapter. *Further, the Board's regulations for licensure of abortion clinics shall require that such*
213 *clinics comply with the requirements for ambulatory surgery centers in effect on June 30, 2006, except*
214 *the requirement for a certificate of public need pursuant to Article 1.1 (§ 32.1-102.1 et seq.) of Chapter*
215 *4 of this title.*

216 B. Such regulations:

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

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

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

230 4. Shall also require that each hospital establish a protocol for organ donation, in compliance with
231 federal law and the regulations of the Centers for Medicare & Medicaid Services (CMS), particularly 42
232 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization
233 designated in CMS regulations for routine contact, whereby the provider's designated organ procurement
234 organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of
235 patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for
236 organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in
237 Virginia certified by the Eye Bank Association of America or the American Association of Tissue
238 Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least
239 one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage,
240 and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential
241 donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital
242 collaborates with the designated organ procurement organization to inform the family of each potential
243 donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making
244 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 § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

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 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; and

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

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

306 that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify
307 by mail, return receipt requested, each recipient who received treatment from a known contaminated lot
308 at the individual's last known address.

309 § 32.1-129. Application for license.

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

314 § 32.1-130. Service charges for hospitals and nursing homes; licensure fees for abortion clinics.

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

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

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

324 § 32.1-131. Expiration and renewal of licenses.

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

327 § 32.1-133. Display of license.

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

330 § 32.1-135. Revocation or suspension of license or certification; restriction or prohibition of new
331 admissions to nursing home or on the operation of an abortion clinic.

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

342 All appeals from notice of imposition of administrative sanctions shall be received in writing within
343 ~~fifteen~~ 15 days of the date of receipt of such notice. The provisions of the Administrative Process Act
344 (§ 2.2-4000 et seq.) shall be applicable to such appeals.

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

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