

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 474

An Act to amend and reenact §§ 32.1-353.1, 32.1-353.2, and 32.1-353.3 of the Code of Virginia and to repeal §§ 32.1-353.4 and 32.1-353.5 of the Code of Virginia, relating to the Certified Nursing Facility Education Initiative.

[H 2290]

Approved March 19, 2007

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-353.1, 32.1-353.2, and 32.1-353.3 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-353.1. Certified nursing facility education initiative; purpose.

The General Assembly finds that early identification of potential certified nursing facility deficiencies, coupled with the opportunity to correct any such problems, will improve quality of care and life to certified nursing facility residents in the Commonwealth. In order to implement the General Assembly's finding, early on-site training and assistance shall be provided ~~by a nonprofit organization~~ to certified nursing facilities that are found not in substantial compliance with long-term care requirements and that meet certain requirements as set forth ~~under any agreement as described in § 32.1-353.4 in the Nursing Facility Quality Improvement Program developed pursuant to § 32.1-353.3.~~

Creative and innovative approaches to the provision of long-term care services may also be explored. Such measures can best be accomplished by using the data, expertise, and knowledge of representatives of state government and representatives from the consumer, long-term care provider, and business communities. For this reason, the Board of Medical Assistance Services, assisted by the Department of Medical Assistance Services, shall administer the education initiatives for certified nursing facility care established by this chapter.

§ 32.1-353.2. Definitions.

As used in this chapter:

"Board" means the Board of Medical Assistance Services.

"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 for participation as a Medicare or Medicaid provider, or both, pursuant to Title XVIII and Title XIX of the United States Social Security Act, as amended, and § 32.1-137.

"Civil money penalty funds" means those funds collected by the Department of Medical Assistance Services for enforcement of certified nursing facility remedies pursuant to Title XIX of the Social Security Act.

"Director" means the Director of the Department of Medical Assistance Services.

~~"Nonprofit organization" means the nonprofit, tax-exempt organization with the characteristics, expertise, and capacity to execute the powers and duties set forth for such entity in this chapter.~~

§ 32.1-353.3. Authorization to expend civil money penalty funds.

A. The Department of Medical Assistance Services, as administrator of the state Medicaid program, maintains a fund comprised of civil money penalties received from nursing facilities as a result of enforcement of federal survey requirements. Pursuant to federal regulations, such funds shall be used for the protection of the health or property of certified nursing facility residents. ~~The Director or his designee may enter into agreements with the nonprofit organization created pursuant to § 32.1-353.4 to spend any such funds, when in compliance with federal law, up to a total of \$700,000. This discretionary authority shall in no way obligate the Director to enter into such agreements. Such funds shall be initially used to implement the nonprofit organization, but thereafter the nonprofit organization shall be self-sustaining.~~

B. In addition to the remedies specified in subsection A, the Director shall establish a Nursing Facility Quality Improvement Program in compliance with all applicable federal and state regulations designed to improve the health, safety, and welfare of residents in nursing facilities. The Director shall develop the Nursing Facility Quality Improvement Program in cooperation with affected state agencies, representatives of the nursing facility provider community, and advocacy groups.

2. That §§ 32.1-353.4 and 32.1-353.5 of the Code of Virginia are repealed.

3. That the Director shall provide a strategic plan and progress report to the Governor and the Chairmen of the House Committees on Health, Welfare and Institutions, and Appropriations; the Senate Committees on Education and Health, and Finance; and the Joint Commission on Health Care no later than October 1, 2007.