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**HOUSE BILL NO. 842**

Offered January 13, 2010

Prefiled January 13, 2010

*A BILL to amend and reenact §§ 32.1-130, 32.1-162.3, and 32.1-162.9 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 32.1-162.3:1 and 32.1-162.9:2, relating to health facility licensing fees.*

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 Patron—Hope
 

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Referred to Committee on Health, Welfare and Institutions

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

**1. That §§ 32.1-130, 32.1-162.3, and 32.1-162.9 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 32.1-162.3:1 and 32.1-162.9:2 as follows:**

§ 32.1-130. Licensure fees.

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 does not provide overnight inpatient care shall be \$75. *The Board shall establish license issuance and annual renewal fees to be submitted at the time of application or renewal.*

B. All service charges fees received under the provisions of this article shall be *nonrefundable*. Such fees 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.

§ 32.1-162.3. License required for hospice programs; notice of denial of license; renewal thereof.

A. No person shall establish or operate a hospice or a hospice facility without a license issued pursuant to this article.

B. The Commissioner shall issue or renew a license to establish or operate a hospice or a hospice facility upon application therefor on a form and accompanied by a fee prescribed by the Board pursuant to § 32.1-162.3:1 if the Commissioner finds that the hospice or hospice facility is in compliance with the provisions of this article and regulations of the Board. The Commissioner shall notify by certified mail any applicant denied a license of the reasons for such denial.

C. Every such license shall expire at midnight December 31 of the year issued, or as otherwise specified by the Board, and shall be required to be renewed annually.

D. The activities and services of each applicant for issuance or renewal of a hospice license shall be subject to an inspection and examination by the Commissioner to determine if the hospice is in compliance with the provisions of this article and regulations of the Board.

E. No license issued pursuant to this article may be transferred or assigned.

§ 32.1-162.3:1. Licensure fees.

A. *The Board shall establish license issuance and annual renewal fees to be submitted at the time of application or renewal. The Board may also establish additional fees in support of the administrative functions of the licensure program.*

B. *All fees received under the provisions of this article shall be nonrefundable. Such fees shall be paid into a special fund of the Department and are appropriated to the Department for the operation of the hospice licensure and inspection program.*

§ 32.1-162.9. Licenses required; renewal thereof.

A. No person shall establish or operate a home care organization without a license issued pursuant to this article unless he is exempt from licensure pursuant to § 32.1-162.8.

B. The Commissioner shall issue or renew a license to establish or operate a home care organization upon application therefor on a form and accompanied by a fee prescribed by the Board pursuant to § 32.1-162.9:2 if the Commissioner finds that the home care organization is in compliance with the provisions of this article and regulations of the Board, unless the Commissioner determines that no reciprocal agreement for the licensing of home care organizations has been entered into by the Commonwealth with the state in which the applicant resides or with the state in which the applicant's home care organization is licensed to operate.

C. Every such license shall expire on the anniversary of its issuance or renewal.

D. The activities and services of each applicant for issuance or renewal of a home care organization license shall be subject to an inspection or examination by the Commissioner to determine if the home care organization is in compliance with the provisions of this article and regulations of the Board.

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59 E. No license issued pursuant to this article may be transferred or assigned.

60 § 32.1-162.9:2. *Licensure fees.*

61 A. *The Board shall establish license issuance and annual renewal fees to be submitted at the time of*  
62 *application or renewal. The Board may also establish additional fees in support of the administrative*  
63 *functions of the licensure program.*

64 B. *All fees received under the provisions of this article shall be nonrefundable. Such fees shall be*  
65 *paid into a special fund of the Department and are appropriated to the Department for the operation of*  
66 *the home care licensure and inspection program.*

67 2. That effective July 1, 2010, through July 1, 2012, the following licensure and annual renewal  
68 rates shall be in effect: \$350 plus \$2 per bed for each hospital; \$700 per facility for each  
69 outpatient surgical center; \$950 plus \$8 per bed for each nursing facility; \$650 for each hospice  
70 program; \$650 for each hospice facility; and \$650 for each home care organization. In addition,  
71 during this time period, the following fees shall apply: \$50 late fee for any hospice or home care  
72 application not filed by the date specified; \$325 processing fee for each reissuance or replacement  
73 hospice or home care license; and a one time \$75 home care licensure exemption processing fee.

74 3. That the Board of Health shall promulgate regulations establishing fees in accordance with this  
75 act by July 1, 2012.  
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