

2011 SESSION

INTRODUCED

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SENATE BILL NO. 1039

Offered January 12, 2011

Prefiled January 11, 2011

A *BILL to amend and reenact § 32.1-102.3:1.1 of the Code of Virginia, and to repeal § 32.1-102.3:1 of the Code of Virginia, relating to certificate of public need; nursing facilities.*

Patron—Barker

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-102.3:1.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-102.3:1.1. Continuing care retirement communities accessing medical assistance.

A. On or after July 1, 2010, a nursing facility in Planning District 8 in a continuing care retirement community registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2, which is not already certified for participation in the Medical Assistance Program, may be certified for participation in the Medical Assistance Program, *without regard to any condition of a certificate of public need*, so long as:

1. The nursing facility is no longer operating under an open admissions period as defined in § 32.1-102.3:1;

2. Any residents who qualify and receive medical assistance under the state program must have been residents of the continuing care retirement community for at least three years;

3. Not more than 10 percent of the facility may be receiving benefits at any given time; and

4. Any resident who qualifies for and receives medical assistance under the state program in a continuing care retirement community nursing facility must have first exhausted any refundable entrance fee paid on the resident's behalf, as defined in § 38.2-4900, as a result of expenditures for that resident's care in the continuing care retirement community.

B. ~~Nothing in the conditions of any certificate of public need shall limit the ability of a continuing care retirement community to participate in the Medical Assistance Program.~~

C. Nothing in this section shall alter the conditions of a continuing care retirement community's participation in the Medical Assistance Program if that continuing care retirement community was certified for participation prior to July 1, 2010.

For the purposes of this section, "open admissions period" means a time during which a facility may take admissions directly into its nursing home beds without the signing of a standard contract.

2. That § 32.1-102.3:1 of the Code of Virginia is repealed.

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