

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-123 of the Code of Virginia, relating to the definition of children's*  
3 *hospital.*

4 [S 960]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-123 of the Code of Virginia is amended and reenacted as follows:**

8 § 32.1-123. Definitions.

9 As used in this article unless a different meaning or construction is clearly required by the context or  
10 otherwise:11 "Certified nursing facility" means any skilled nursing facility, skilled care facility, intermediate care  
12 facility, nursing or nursing care facility, or nursing home, whether freestanding or a portion of a  
13 freestanding medical care facility, that is certified as a Medicare or Medicaid provider, or both, pursuant  
14 to § 32.1-137.15 "*Children's hospital*" means a hospital (i) whose inpatients are predominantly under 18 years of age  
16 and (ii) which is excluded from the Medicare prospective payment system pursuant to the Social Security  
17 Act.18 "Class I violation" means failure of a nursing home or certified nursing facility to comply with one  
19 or more requirements of state or federal law or regulations which creates a situation that presents an  
20 immediate and serious threat to patient health or safety.21 "Class II violation" means a pattern of noncompliance by a nursing home or certified nursing facility  
22 with one or more federal conditions of participation which indicates delivery of substandard quality of  
23 care but does not necessarily create an immediate and serious threat to patient health and safety.  
24 Regardless of whether the facility participates in Medicare or Medicaid, the federal conditions of  
25 participation shall be the standards for Class II violations.26 "Hospital" means any facility licensed pursuant to this article in which the primary function is the  
27 provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for  
28 two or more nonrelated individuals, including hospitals known by varying nomenclature or designation  
29 such as *children's hospitals*, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease,  
30 short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.31 "Immediate and serious threat" means a situation or condition having a high probability that serious  
32 harm or injury to patients could occur at any time, or already has occurred, and may occur again, if  
33 patients are not protected effectively from the harm, or the threat is not removed.34 "Inspection" means all surveys, inspections, investigations and other procedures necessary for the  
35 Department of Health to perform in order to carry out various obligations imposed on the Board or  
36 Commissioner by applicable state and federal laws and regulations.37 "Nursing home" means any facility or any identifiable component of any facility licensed pursuant to  
38 this article in which the primary function is the provision, on a continuing basis, of nursing services and  
39 health-related services for the treatment and inpatient care of two or more nonrelated individuals,  
40 including facilities known by varying nomenclature or designation such as convalescent homes, skilled  
41 nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing  
42 or nursing care facilities.43 "Nonrelated" means not related by blood or marriage, ascending or descending or first degree full or  
44 half collateral.45 "Substandard quality of care" means deficiencies in practices of patient care, preservation of patient  
46 rights, environmental sanitation, physical plant maintenance, or life safety which, if not corrected, will  
47 have a significant harmful effect on patient health and safety.

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