

# VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

## CHAPTER 384

*An Act to amend and reenact § 32.1-102.3:1.1 of the Code of Virginia, relating to certificate of public need; certain nursing facilities in a continuing care retirement community; nursing home bed cap.*

[S 1722]

Approved March 14, 2019

**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;
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 ~~40~~ 25 percent of the *nursing home beds of the facility or 15 nursing home beds, whichever is fewer*, may be *occupied by individuals* 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 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.