

# VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

## CHAPTER 568

*An Act to amend the Code of Virginia by adding a section numbered 32.1-102.3:2.2, relating to certificates of public need; study.*

[S 1139]

Approved March 20, 1997

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

**1. That the Code of Virginia is amended by adding a section numbered 32.1-102.3:2.2 as follows:**

*§ 32.1-102.3:2.2. Conditions on issuance of certificates of public need for continuing care retirement communities; expiration of section.*

*Notwithstanding the provisions of § 32.1-102.3:2.1, the Commissioner shall only approve, authorize or accept applications for the issuance of certificates of public need filed for continuing care retirement community nursing home bed projects by continuing care providers registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 for sixty or fewer beds.*

**2. That the Joint Commission on Health Care, in conjunction with the Commissioner of Health or his designee and the Commissioner of Insurance or his designee, shall study the management of applications for nursing facility projects in continuing care retirement communities under the Commonwealth's Medical Facilities Certificate of Public Need law and regulations, including, but not limited to (i) whether such projects should be included or exempted from the Request for Applications (RFA) process established pursuant to § 32.1-102.3:2; (ii) the different forms of continuing care contracts being offered by continuing care providers in Virginia and the effect of such contracts on the utilization of nursing facility beds in continuing care retirement communities; (iii) the impact of increases in nursing facility beds in continuing care retirement communities, if any, on the occupancy rates and charges of existing nursing homes and certified nursing facilities in the Commonwealth; (iv) the impact, if any, of nursing facility beds in continuing care retirement communities on Virginia Medicaid expenditures; and (v) the appropriateness of the present registration law, Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2, for continuing care providers and the need for any modifications to such law, particularly in view of the changing configurations in the continuing care market. The Joint Commission shall report its preliminary findings by December 1, 1997, and shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.**

**3. That the provisions of this act shall expire on July 1, 1998.**

**4. That an emergency exists and this act is in force from its passage.**