

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 1139]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 32.1-102.3:2.2 as follows:**8 *§ 32.1-102.3:2.2. Conditions on issuance of certificates of public need for continuing care retirement*  
9 *communities; expiration of section.*10 *Notwithstanding the provisions of § 32.1-102.3:2.1, the Commissioner shall only approve, authorize*  
11 *or accept applications for the issuance of certificates of public need filed for continuing care retirement*  
12 *community nursing home bed projects by continuing care providers registered with the State*  
13 *Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 for sixty or fewer*  
14 *beds.*15 **2. That the Joint Commission on Health Care, in conjunction with the Commissioner of Health or**  
16 **his designee and the Commissioner of Insurance or his designee, shall study the management of**  
17 **applications for nursing facility projects in continuing care retirement communities under the**  
18 **Commonwealth's Medical Facilities Certificate of Public Need law and regulations, including, but**  
19 **not limited to (i) whether such projects should be included or exempted from the Request for**  
20 **Applications (RFA) process established pursuant to § 32.1-102.3:2; (ii) the different forms of**  
21 **continuing care contracts being offered by continuing care providers in Virginia and the effect of**  
22 **such contracts on the utilization of nursing facility beds in continuing care retirement**  
23 **communities; (iii) the impact of increases in nursing facility beds in continuing care retirement**  
24 **communities, if any, on the occupancy rates and charges of existing nursing homes and certified**  
25 **nursing facilities in the Commonwealth; (iv) the impact, if any, of nursing facility beds in**  
26 **continuing care retirement communities on Virginia Medicaid expenditures; and (v) the**  
27 **appropriateness of the present registration law, Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2, for**  
28 **continuing care providers and the need for any modifications to such law, particularly in view of**  
29 **the changing configurations in the continuing care market. The Joint Commission shall report its**  
30 **preliminary findings by December 1, 1997, and shall complete its work in time to submit its**  
31 **findings and recommendations to the Governor and the 1998 Session of the General Assembly as**  
32 **provided in the procedures of the Division of Legislative Automated Systems for the processing of**  
33 **legislative documents.**34 **3. That the provisions of this act shall expire on July 1, 1998.**35 **4. That an emergency exists and this act is in force from its passage.**

ENROLLED

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