

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 859

An Act to authorize the amendment of certain certificate of public need.

[S 596]

Approved April 9, 2000

Be it enacted by the General Assembly of Virginia:

1. § 1. *Certain certificate of public need authorized.*

A. Notwithstanding the provisions of subdivision 10 of § 32.1-102.3:2 as in effect on June 30, 1996, the Commissioner of Health may accept and approve a request to amend the conditions of a certificate of public need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue, until June 30, 2003, to admit persons, other than residents of the cooperative units, to its nursing facility beds when such facility (i) is operated by an association described in § 55-458, (ii) was created in connection with a real estate cooperative, (iii) offers its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900) of Title 38.2, and (iv) was issued a certificate of public need prior to October 3, 1995.

B. Further, notwithstanding the provisions of § 32.1-102.3:2, as currently in effect, or the provisions of any Request For Applications (RFAs) issued by the Commissioner of Health pursuant to § 32.1-102.3:2 designating any planning district as authorized to respond to any RFA, the Commissioner of Health shall authorize and accept an application and may issue a certificate of public need for an increase of sixty beds in which nursing facility or extended care services are to be provided when (i) such application is filed by an existing sixty-bed facility located in Giles County within Planning District 4, (ii) such existing nursing facility currently has a high occupancy rate, (iii) such existing nursing facility is located in a highly rural jurisdiction with mountainous terrain, and (iv) the new nursing facility beds are to be dedicated to the provisions of skilled nursing, hospice services and care of persons with Alzheimer's and related diseases.