

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 912

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

[H 326]

Approved April 9, 2000

Whereas, the Commonwealth had a moratorium on new nursing home or extended care facilities for an extended period in the 1980s and 1990s; and

Whereas, a number of exceptions to this moratorium were approved for application submission by the General Assembly; and

Whereas, as a condition of some application submission exceptions, the law required restrictions on admissions of Medicaid recipients and, in the case of continuing care providers, of private pay patients; and

Whereas, in continuing care communities, the early contract holders are almost always admitted to ambulatory environments; and

Whereas, in modern times, many senior citizens are in good physical condition and health; therefore, the contract holders frequently do not need nursing home care until many years after entering the continuing care community; and

Whereas, prior to filling the nursing home with contract holders, the operation of nursing home units in continuing care communities may only be feasible if other private pay patients may be admitted to the nursing home; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Amendment of certain certificate of public need authorized.

Notwithstanding the provisions of subdivision 6 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 to a continuing care provider registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 for an increase in beds in which nursing facility or extended care services are provided to allow such continuing care provider to continue, until the continuing care contract holders constitute ninety percent of the occupancy for such facility or July 1, 2004, whichever is the first to occur, to admit patients, other than continuing care contract holders, with whom the facility has an agreement with the individual responsible for the patient for private payment of the costs upon the following conditions being met: (i) the continuing care community is established for the care of retired military personnel and their families and (ii) the facility's bond requires that the nursing home unit maintain a ninety percent occupancy rate.