

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [H 326]

4 Approved

5 Whereas, the Commonwealth had a moratorium on new nursing home or extended care facilities for  
6 an extended period in the 1980s and 1990s; and7 Whereas, a number of exceptions to this moratorium were approved for application submission by  
8 the General Assembly; and9 Whereas, as a condition of some application submission exceptions, the law required restrictions on  
10 admissions of Medicaid recipients and, in the case of continuing care providers, of private pay patients;  
11 and12 Whereas, in continuing care communities, the early contract holders are almost always admitted to  
13 ambulatory environments; and14 Whereas, in modern times, many senior citizens are in good physical condition and health; therefore,  
15 the contract holders frequently do not need nursing home care until many years after entering the  
16 continuing care community; and17 Whereas, prior to filling the nursing home with contract holders, the operation of nursing home units  
18 in continuing care communities may only be feasible if other private pay patients may be admitted to  
19 the nursing home; now, therefore,20 **Be it enacted by the General Assembly of Virginia:**

21 1. § 1. Amendment of certain certificate of public need authorized.

22 *Notwithstanding the provisions of subdivision 6 of § 32.1-102.3:2 as in effect on June 30, 1996, the*  
23 *Commissioner of Health may accept and approve a request to amend the conditions of a certificate of*  
24 *public need issued to a continuing care provider registered with the State Corporation Commission*  
25 *pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 for an increase in beds in which nursing*  
26 *facility or extended care services are provided to allow such continuing care provider to continue, until*  
27 *the continuing care contract holders constitute ninety percent of the occupancy for such facility or July*  
28 *1, 2004, whichever is the first to occur, to admit patients, other than continuing care contract holders,*  
29 *with whom the facility has an agreement with the individual responsible for the patient for private*  
30 *payment of the costs upon the following conditions being met: (i) the continuing care community is*  
31 *established for the care of retired military personnel and their families and (ii) the facility's bond*  
32 *requires that the nursing home unit maintain a ninety percent occupancy rate.*