

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [S 596]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 1. § 1. *Certain certificate of public need authorized.*

7 A. Notwithstanding the provisions of subdivision 10 of § 32.1-102.3:2 as in effect on June 30, 1996,  
8 the Commissioner of Health may accept and approve a request to amend the conditions of a certificate  
9 of public need issued for an increase in beds in which nursing facility or extended care services are  
10 provided to allow such facility to continue, until June 30, 2003, to admit persons, other than residents  
11 of the cooperative units, to its nursing facility beds when such facility (i) is operated by an association  
12 described in § 55-458, (ii) was created in connection with a real estate cooperative, (iii) offers its  
13 residents a level of nursing services consistent with the definition of continuing care in Chapter 49  
14 (§ 38.2-4900) of Title 38.2, and (iv) was issued a certificate of public need prior to October 3, 1995.

15 B. Further, notwithstanding the provisions of § 32.1-102.3:2, as currently in effect, or the provisions  
16 of any Request For Applications (RFAs) issued by the Commissioner of Health pursuant to  
17 § 32.1-102.3:2 designating any planning district as authorized to respond to any RFA, the Commissioner  
18 of Health shall authorize and accept an application and may issue a certificate of public need for an  
19 increase of sixty beds in which nursing facility or extended care services are to be provided when (i)  
20 such application is filed by an existing sixty-bed facility located in Giles County within Planning District  
21 4, (ii) such existing nursing facility currently has a high occupancy rate, (iii) such existing nursing  
22 facility is located in a highly rural jurisdiction with mountainous terrain, and (iv) the new nursing  
23 facility beds are to be dedicated to the provisions of skilled nursing, hospice services and care of  
24 persons with Alzheimer's and related diseases.

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