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SENATE BILL NO. 490

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 31, 2002)

(Patron Prior to Substitute—Senator Newman)

A *BILL* to provide for the authorization and acceptance of certain certificate of public need applications.

Be it enacted by the General Assembly of Virginia:

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

A. Notwithstanding the provisions of § 32.1-102.3:2 or the provisions of any current Request For Applications (RFAs) issued by the Commissioner of Health pursuant to § 32.1-102.3:2, the Commissioner of Health shall reissue a Request For Applications for sixty new nursing home or nursing facility beds in Planning District 11 when (i) pursuant to the 1997 determination of a 240-nursing home bed need in Planning District 11 and the issuance by the Commissioner of Health of the formal legal notice of Request For Certificate of Public Need Applications, a certificate of public need for sixty new nursing home or nursing facility beds was issued to an existing nursing home in Planning District 11, and (ii) the sixty-bed certificate of public need issued pursuant to the 1997 Request For Applications for Planning District 11 to such nursing home has been formally surrendered by the company owning such nursing home because of lack of the requisite financing.

The Commissioner shall authorize and accept applications for such sixty nursing home or nursing facility beds and may issue one or more certificates of public need for an increase of such sixty new beds in which nursing facility or extended care services are to be provided to existing facilities within Planning District 11. The Commissioner shall give preference in reissuing any certificate of public need for these sixty beds to facilities located in a rapid-growth area of Planning District 11.

B. Further, notwithstanding the provisions of § 32.1-102.3:2 or the provisions of any current Request For Applications (RFAs) issued by the Commissioner of Health pursuant to § 32.1-102.3:2, the Commissioner of Health shall also reissue a Request For Applications for 120 new nursing home or nursing facility beds in Planning District 13 when (i) pursuant to the 1997 determination of a 240-nursing home bed need in Planning District 13 and the issuance by the Commissioner of Health of the formal legal notice of Request For Certificate of Public Need Applications, a certificate of public need for 120 new nursing home or nursing facility beds was issued to a for-profit nursing home operating company incorporated in January 1973, and (ii) such 120-bed certificate of public need issued pursuant to the 1997 Request For Applications for Planning District 13 to such nursing home corporation was scheduled for completion by April 2000; however, the company awarded this 120-bed certificate of public need has not started construction because of lack of the requisite financing and, thus, the relevant certificate of public need has expired.

The Commissioner shall authorize and accept applications for such 120 nursing home or nursing facility beds and may issue one or more certificates of public need for an increase of such 120 new beds in which nursing facility or extended care services are to be provided to existing or proposed new facilities within Planning District 13. The Commissioner shall give preference in reissuing any certificate of public need for these 120 beds to proposals to locate these new beds in western Mecklenburg County in the areas with the largest quantified need according to the 1997 projections, with highest priority granted to the northwest corner of Mecklenburg County in or about the area of Chase City, which is located at the intersection of Routes 47, 49 and 92 and second priority granted to the southwest corner of Mecklenburg County in or about the area of Clarksville, which is located near the intersection of Routes 15, 49, and 58. The Commissioner shall take due note in issuing such certificates of need to (a) the high occupancy rates within Planning District 13 over the period of 1994 to 1996, (b) the finding that Mecklenburg County has the lowest ratio of nursing facility beds per elderly population in Planning District 13, and (c) the finding that Mecklenburg County has a significant population of older adults and will continue to experience growth in its older adult population.