VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 838

An Act to provide for the authorization and acceptance of certain certificate of public need applications.

Approved March 26, 2005

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, any regulations of the Board of Health establishing standards for the approval and issuance of Requests for Applications, 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 60 new nursing home or nursing facility beds in Planning District 12 when (i) pursuant to the 1997 determination of a 240-nursing home bed need in Planning District 12 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 60 new nursing home or nursing facility beds was issued to an existing nursing home in Planning District 12; and (ii) the scheduled date for completion has passed for the previously issued certificate, the company awarded the 60-bed certificate of public need has not started construction, and, thus, the relevant certificate of public need has expired.

B. The Commissioner shall authorize and accept applications for such 60 nursing home or nursing facility beds and may issue a certificate of public need for an increase of such 60 new beds in which nursing facility or extended care services are to be provided to establish a new facility within Planning District 12. The Commissioner shall give preference in reissuing any certificate of public need for the 60 beds to an application that proposes to establish a new nursing facility located within three miles of the boundary of the county seat or within the county seat of the county for which the now-expired certificate of public need authorized construction of 60 new nursing home or nursing facility beds.