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HOUSE BILL NO. 2316

Offered January 12, 2005

Prefiled January 11, 2005

A BILL to authorize relocation of certain nursing home beds under limited circumstances.

Patron—Griffith

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. § 1. Relocation of certain nursing home beds under limited circumstances.**

A. Notwithstanding the provisions of Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1, a nursing home shall not be required to apply for a certificate of public need to relocate beds from one facility to another facility (or facilities) located outside the planning district of the facility seeking to relocate when such facilities are under common ownership or control, if the following criteria are met:

1. The facility from which the beds are to be relocated has experienced an adverse impact from competitive market forces such that, as of December 31, 2004, the occupancy rate of the facility seeking to relocate beds, based upon the total number of beds for which the facility was licensed on July 1, 2004, was less than 67 percent;

2. As of December 31, 2004, more than 40 percent of the residents of the facility from which beds are to be relocated were, immediately prior to moving to the facility, residing outside the planning district in which such facility is located;

3. The facility from which the beds are to be relocated has experienced in excess of 20,000 hours of temporary agency staffing in calendar year 2004; and

4. During the period between January 1, 2002, and January 1, 2005, any facility to which beds are to be relocated has experienced an average occupancy rate that meets or exceeds 92 percent.

A relocation of nursing home beds under the circumstances described herein shall not constitute a "project" as defined in § 32.1-102.1.

B. Any entity intending to relocate beds pursuant to subsection A shall provide written notice to the Commissioner of Health of its eligibility and intent to so relocate beds. The beds that may be subject to such relocation shall be beds for which the facility was licensed as of July 1, 2004.

Within 30 days of receipt of the notice of intent to relocate beds, the Commissioner shall (i) determine whether the proposed relocation meets the criteria of subsection A and (ii) notify in writing the entity seeking to relocate beds of his determination. Upon completion of the relocation described in subsection A, the entity shall notify the Commissioner that the relocation has been completed. Upon receipt of the notice of completion of the relocation, the Commissioner shall amend the certificate issued to the facility or facilities to and from which such beds were moved to reflect the relocation of such beds.

INTRODUCED

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