

## 2005 SESSION

## HOUSE SUBSTITUTE

051754324

### HOUSE BILL NO. 2316

#### FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Hogan  
on January 25, 2005)

(Patron Prior to Substitute—Delegate Griffith)

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

#### **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 occupancy rate of the facility seeking to relocate beds, based upon the total number of beds for which the facility is licensed, was less than 67 percent in the previous year;*

*2. Any facility to which beds are to be relocated has experienced an average occupancy rate that meets or exceeds 90 percent for the previous year.*

*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. Any restrictions that apply to the certificate at the time of the relocation shall remain in effect following the relocation.*

*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.*

HOUSE SUBSTITUTE

HB2316H1