VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 816

An Act to authorize certain certificate of public need applications; emergency.

[H 267]

Approved April 6, 2006

Be it enacted by the General Assembly of Virginia:

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

Notwithstanding the provisions of § 32.1-102.3:2 of the Code of Virginia, any standards promulgated by the Board of Health in regulations pursuant thereto, 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 accept applications and may approve certificates of public need authorizing an increase in nursing home beds, either on-site or through relocation within the same city or county, from any facility licensed for less than 40 beds, provided that (1) the facility experienced operating losses in 2003 and 2004, (2) the facility is not part of a hospital or continuing care retirement community, (3) the total number of beds that would be licensed would not be more than 90, (4) the bed need forecast in that planning district exceeds the current inventory of beds in that planning district, and (5) the estimated average occupancy of all existing Medicaid-certified nursing facility beds in the planning district was at least 93% over the most recent two years reported by Virginia Health Information as of the date of enactment of this legislation (excluding the bed inventory and utilization of the Virginia Veterans Care Centers).

2. That the provisions of this act shall expire on June 30, 2007.

3. That the approval of any beds under this act shall affect the number of beds for which Requests for Applications may be issued for planning districts in which such beds are approved but shall not affect whether Requests for Applications are issued before such beds have been operated for two years.

4. That an emergency exists and this act is in force from its passage.