

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [H 267]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. § 1. Certain certificate of public need applications authorized.**

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

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

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

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

ENROLLED

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