1 **VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

2 *An Act to authorize and exempt relocation of nursing home beds from certificate of public need*
3 *regulation under certain circumstances.*

4   [H 1992]
5   Approved

6   **Be it enacted by the General Assembly of Virginia:**
7   **1.** *§ 1. Relocation of certain nursing home beds under limited circumstances.*
8   *A. Notwithstanding (i) the provisions of §§ 32.1-102.3 and 32.1-102.3:2, (ii) any regulations of the*
9 *Board of Health establishing standards for the approval and issuance of Requests for Applications, and*
10 *(iii) the provisions of any current Requests for Applications issued by the Commissioner of Health*
11 *pursuant to § 32.1-102.3:2, the Commissioner of Health shall accept applications and may issue*
12 *certificates of public need for nursing home beds when such beds are a relocation from one facility to*
13 *another facility under common ownership or control, regardless of whether they are in the same*
14 *planning district, if, as of December 31 of the year preceding the year in which relocation is proposed,*
15 *the following criteria are met:*
16   *1. The occupancy rate of the facility seeking to relocate beds, based upon the total number of beds*
17 *for which the facility is licensed, was less than 67%;*
18   *2. Greater than 25% of the residents of the facility from which beds are to be relocated, immediately*
19 *prior to moving to the facility, resided outside the planning district in which the facility is located;*
20   *3. Any facility to which beds are to be relocated has experienced an average occupancy rate that*
21 *meets or exceeds 90%.*
22   *B. A relocation of nursing home beds under the circumstances described herein shall not constitute a*
23 *"project" as defined in § 32.1-102.1. An entity may not relocate more than two-thirds of the total*
24 *number of beds for which the facility was licensed prior to any relocation pursuant to this section. Any*
25 *restrictions that apply to the certificate at the time of the relocation shall remain in effect following the*
26 *relocation.*