

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 802

An Act to require the State Health Commissioner to issue a Request For Applications, and to accept applications for 120 new nursing home or nursing facility beds in Planning District 3.

[H 1498]

Approved April 2, 2008

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That, notwithstanding the provisions of § 32.1-102.3:2 of the Code of Virginia, any regulations of the Board of Health, or provisions of any current Request For Applications, the State Health Commissioner may issue a Request For Applications for 120 new nursing home or nursing facility beds in Planning District 3 when the Division of Certificate of Public Need of the Department of Health has determined, in its "Nursing Home Facility Beds and Utilization - Facility Fiscal Years Ending in 2006" analysis, that at least one nursing facility in Planning District 3 is licensed for 120 beds but operated no Medicaid-certified beds in 2006.*

The Commissioner may accept applications for such 120 nursing home or nursing facility beds and may issue a certificate of public need for an increase of such 120 new beds in which nursing facility or extended care services are to be provided to establish a new facility in Planning District 3. The Commissioner shall consider any certificate of public need for the 120 beds to an applicant that proposes to establish a new nursing facility located within three miles of the boundary of the county seat or within the county seat of the county adjacent to the city or county in which is sited any facility in Planning District 3 determined by the Division of Certificate of Public Need, in its "Nursing Home Facility Beds and Utilization - Facility Fiscal Years Ending in 2006" analysis, to be licensed for 120 beds but that operated no Medicaid-certified beds in 2006.