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HOUSE BILL NO. 819

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact § 32.1-102.3:1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-102.3:1.1, relating to certificate of public need for certain nursing facilities.

Patrons—Albo and Watts

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-102.3:1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-102.3:1.1 as follows:

§ 32.1-102.3:1. Application for certificate not required of certain nursing facilities or nursing homes.

An application for a certificate that there exists a public need for a proposed project shall not be required for nursing facilities or nursing homes affiliated with facilities which, on January 1, 1982, and thereafter, meet all of the following criteria:

1. A facility which is operated as a nonprofit institution.
2. A facility which is licensed jointly by the Department of Health as a nursing facility or nursing home and by the Department of Social Services as an assisted living facility.
3. A facility which observes the following restrictions on admissions:
 - a. Admissions are only allowed pursuant to the terms of a "life care contract" guaranteeing that the full complement of services offered by the facility is available to the resident as and when needed;
 - b. Admissions to the assisted living facility unit are restricted to individuals defined as ambulatory by the Department of Social Services;
 - c. Admissions to the nursing facility or nursing home unit are restricted to those individuals who are residents of the assisted living facility unit.
4. A facility in which no resident receives federal or state public assistance funds *during an open admissions period. However, a facility may apply for certification under the Medical Assistance Program in accordance with § 32.1-102.3:1.1 when an open admissions period has expired or when a facility agrees to voluntarily discontinue its open admissions period.*

For the purposes of this section, "open admissions period" means a time during which a facility may take admissions directly into its nursing home beds without the signing of a standard contract.

§ 32.1-102.3:1.1. *Continuing care retirement communities accessing medical assistance.*

A. A nursing facility in a continuing care retirement community registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 may be certified for participation in the Medical Assistance Program so long as:

1. *The nursing facility is no longer operating under an open admissions period as defined in § 32.1-102.3:1;*
 2. *Any patients who qualify and receive medical assistance under the state program must have been residents of the continuing care retirement community for at least three years; and*
 3. *Not more than 10 percent of the facility may be receiving benefits at any given time.*
- B. *Nothing in the conditions of any certificate of public need shall limit the ability of a continuing care retirement community to participate in the Medical Assistance Program.*
- C. *The Board shall promulgate regulations to implement the provisions of this section.*

INTRODUCED

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