

# VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

## CHAPTER 54

*An Act to require the Commissioner of Health to accept applications and to authorize the Commissioner to issue certificates of public need for certain nursing home beds.*

[S 470]

Approved March 8, 2010

**Be it enacted by the General Assembly of Virginia:**

**1.** *§ 1. Notwithstanding the provisions of § 32.1-102.1 of the Code of Virginia, the relocation of 10 or fewer nursing home beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district shall not constitute a "project" for purposes of Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1 of the Code of Virginia, and any regulations of the Board of Health adopted pursuant thereto, provided that the facility to which the beds will be transferred is in compliance with all other laws governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, the following criteria are met:*

*1. The occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90 percent for that preceding year;*

*2. The average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95 percent or more over the previous two years; and*

*3. Prior to the transfer, the facility to which the beds are to be relocated was licensed for 50 or fewer nursing home beds.*