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HOUSE BILL NO. 410

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL 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.*

Patron—Oder

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding (i) the provisions of §§ 32.1-102.3 and 32.1-102.3:2 of the Code of Virginia, (ii) any regulations of the Board of Health establishing standards for the approval and issuance of Requests for Applications, and (iii) any current Requests for Applications issued pursuant to § 32.1-102.3:2 of the Code of Virginia, the Commissioner of Health shall accept and review applications and issue certificates of public need for the relocation of no more than 10 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 provided that the facility to which the beds will be transferred is in compliance with all other laws and regulations 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% for that preceding year; and

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% or more over the previous two years.

INTRODUCED

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