

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 415]

5 Approved

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

7 **1.** *§ 1. Notwithstanding the provisions of § 32.1-102.1 of the Code of Virginia, the relocation of 10 or*
8 *fewer nursing home beds or 10 percent of the beds, whichever is less, from one facility to another*
9 *facility under common ownership or control that is located in an adjacent planning district shall not*
10 *constitute a "project" for purposes of Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1 of the*
11 *Code of Virginia, and any regulations of the Board of Health adopted pursuant thereto, provided that*
12 *the facility to which the beds will be transferred is in compliance with all other laws governing such*
13 *facilities and, as of December 31 of the year preceding the year in which relocation is proposed, the*
14 *following criteria are met:*

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

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

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

ENROLLED

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