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**HOUSE BILL NO. 1428**

Offered January 12, 2011

Prefiled October 28, 2010

A *BILL to amend and reenact §§ 32.1-102.1, 32.1-123, 32.1-125, 32.1-125.1, 32.1-126, 32.1-127, 32.1-129, 32.1-130, 32.1-133, and 32.1-135 of the Code of Virginia, relating to regulations and licensure of abortion clinics.*

Patrons—Bell, Richard P., Anderson, Athey, Bell, Robert B., Cleaveland, Cline, Cole, Cosgrove, Cox, J.A., Crockett-Stark, Garrett, Greason, Habeeb, Hugo, Landes, Lingamfelter, Marshall, R.G., Massie, Merricks, Miller, J.H., Pogge, Poindexter, Robinson, Sherwood and Wilt

Referred to Committee on Health, Welfare and Institutions

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

1. That §§ 32.1-102.1, 32.1-123, 32.1-125, 32.1-125.1, 32.1-126, 32.1-127, 32.1-129, 32.1-130, 32.1-133, and 32.1-135 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-102.1. Definitions.

As used in this article, unless the context indicates otherwise:

"Certificate" means a certificate of public need for a project required by this article.

"Clinical health service" means a single diagnostic, therapeutic, rehabilitative, preventive or palliative procedure or a series of such procedures that may be separately identified for billing and accounting purposes.

"Health planning region" means a contiguous geographical area of the Commonwealth with a population base of at least 500,000 persons which is characterized by the availability of multiple levels of medical care services, reasonable travel time for tertiary care, and congruence with planning districts.

"Medical care facility," as used in this title, means any institution, place, building or agency, whether or not licensed or required to be licensed by the Board or the Department of Behavioral Health and Developmental Services, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, (i) by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more nonrelated mentally or physically sick or injured persons, or for the care of two or more nonrelated persons requiring or receiving medical, surgical or nursing attention or services as acute, chronic, convalescent, aged, physically disabled or crippled or (ii) which is the recipient of reimbursements from third-party health insurance programs or prepaid medical service plans. For purposes of this article, only the following medical care facilities shall be subject to review:

1. General hospitals.

2. Sanitariums.

3. Nursing homes.

4. Intermediate care facilities, except those intermediate care facilities established for individuals with mental retardation that have no more than 12 beds and are in an area identified as in need of residential services for individuals with mental retardation in any plan of the Department of Behavioral Health and Developmental Services.

5. Extended care facilities.

6. Mental hospitals.

7. Mental retardation facilities.

8. Psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric or psychological treatment and rehabilitation of individuals with substance abuse.

9. Specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for the purpose of nuclear cardiac imaging, or such other specialty services as may be designated by the Board by regulation.

10. Rehabilitation hospitals.

11. Any facility licensed as a hospital.

The term "medical care facility" shall not include any facility of (i) the Department of Behavioral Health and Developmental Services; (ii) any nonhospital substance abuse residential treatment program operated by or contracted primarily for the use of a community services board under the Department of

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57 Behavioral Health and Developmental Services' Comprehensive State Plan; (iii) an intermediate care  
58 facility for individuals with mental retardation that has no more than 12 beds and is in an area identified  
59 as in need of residential services for people with mental retardation in any plan of the Department of  
60 Behavioral Health and Developmental Services; (iv) a physician's office, except that portion of a  
61 physician's office described above in subdivision 9 of the definition of "medical care facility"; (v) the  
62 Woodrow Wilson Rehabilitation Center of the Department of Rehabilitative Services; ~~or~~ (vi) the  
63 Department of Corrections; *or (vii) an abortion clinic as defined in § 32.1-123.* "Medical care facility"  
64 shall also not include that portion of a physician's office dedicated to providing nuclear cardiac imaging.

65 "Project" means:

66 1. Establishment of a medical care facility;

67 2. An increase in the total number of beds or operating rooms in an existing medical care facility;

68 3. Relocation of beds from one existing facility to another; provided that "project" shall not include  
69 the relocation of up to 10 beds or 10 percent of the beds, whichever is less, (i) from one existing  
70 facility to another existing facility at the same site in any two-year period, or (ii) in any three-year  
71 period, from one existing nursing home facility to any other existing nursing home facility owned or  
72 controlled by the same person that is located either within the same planning district, or within another  
73 planning district out of which, during or prior to that three-year period, at least 10 times that number of  
74 beds have been authorized by statute to be relocated from one or more facilities located in that other  
75 planning district and at least half of those beds have not been replaced; provided further that, however, a  
76 hospital shall not be required to obtain a certificate for the use of 10 percent of its beds as nursing  
77 home beds as provided in § 32.1-132;

78 4. Introduction into an existing medical care facility of any new nursing home service, such as  
79 intermediate care facility services, extended care facility services, or skilled nursing facility services,  
80 regardless of the type of medical care facility in which those services are provided;

81 5. Introduction into an existing medical care facility of any new cardiac catheterization, computed  
82 tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy, magnetic resonance imaging (MRI),  
83 magnetic source imaging (MSI), medical rehabilitation, neonatal special care, obstetrical, open heart  
84 surgery, positron emission tomographic (PET) scanning, psychiatric, organ or tissue transplant service,  
85 radiation therapy, stereotactic radiotherapy, proton beam therapy, nuclear medicine imaging, except for  
86 the purpose of nuclear cardiac imaging, substance abuse treatment, or such other specialty clinical  
87 services as may be designated by the Board by regulation, which the facility has never provided or has  
88 not provided in the previous 12 months;

89 6. Conversion of beds in an existing medical care facility to medical rehabilitation beds or  
90 psychiatric beds;

91 7. The addition by an existing medical care facility of any medical equipment for the provision of  
92 cardiac catheterization, computed tomographic (CT) scanning, stereotactic radiosurgery, lithotripsy,  
93 magnetic resonance imaging (MRI), magnetic source imaging (MSI), open heart surgery, positron  
94 emission tomographic (PET) scanning, radiation therapy, stereotactic radiotherapy, proton beam therapy,  
95 or other specialized service designated by the Board by regulation. Replacement of existing equipment  
96 shall not require a certificate of public need;

97 8. Any capital expenditure of \$15 million or more, not defined as reviewable in subdivisions 1  
98 through 7 of this definition, by or in behalf of a medical care facility. However, capital expenditures  
99 between \$5 and \$15 million shall be registered with the Commissioner pursuant to regulations developed  
100 by the Board. The amounts specified in this subdivision shall be revised effective July 1, 2008, and  
101 annually thereafter to reflect inflation using appropriate measures incorporating construction costs and  
102 medical inflation; or

103 9. Conversion in an existing medical care facility of psychiatric inpatient beds approved under  
104 § 32.1-102.3:2 to nonpsychiatric inpatient beds.

105 "Regional health planning agency" means the regional agency, including the regional health planning  
106 board, its staff and any component thereof, designated by the Virginia Health Planning Board to perform  
107 the health planning activities set forth in this chapter within a health planning region.

108 "State Medical Facilities Plan" means the planning document adopted by the Board of Health which  
109 shall include, but not be limited to, (i) methodologies for projecting need for medical care facility beds  
110 and services; (ii) statistical information on the availability of medical care facilities and services; and  
111 (iii) procedures, criteria and standards for review of applications for projects for medical care facilities  
112 and services.

#### 113 Article 1.

#### 114 Hospital and Nursing Home Licensure and Inspection.

#### 115 § 32.1-123. Definitions.

116 As used in this article unless a different meaning or construction is clearly required by the context or  
117 otherwise:

118 "Abortion clinic" means any facility, other than a hospital as defined in this section or an

ambulatory surgery center as licensed by the Board, in which 25 or more first-trimester abortions are performed in any 12-month period.

"Certified nursing facility" means any skilled nursing facility, skilled care facility, intermediate care facility, nursing or nursing care facility, or nursing home, whether freestanding or a portion of a freestanding medical care facility, that is certified as a Medicare or Medicaid provider, or both, pursuant to § 32.1-137.

"Class I violation" means failure of a nursing home or certified nursing facility to comply with one or more requirements of state or federal law or regulations which creates a situation that presents an immediate and serious threat to patient health or safety.

"Class II violation" means a pattern of noncompliance by a nursing home or certified nursing facility with one or more federal conditions of participation which indicates delivery of substandard quality of care but does not necessarily create an immediate and serious threat to patient health and safety. Regardless of whether the facility participates in Medicare or Medicaid, the federal conditions of participation shall be the standards for Class II violations.

"Hospital" means any facility licensed pursuant to this article in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

"Immediate and serious threat" means a situation or condition having a high probability that serious harm or injury to patients could occur at any time, or already has occurred, and may occur again, if patients are not protected effectively from the harm, or the threat is not removed.

"Inspection" means all surveys, inspections, investigations and other procedures necessary for the Department of Health to perform in order to carry out various obligations imposed on the Board or Commissioner by applicable state and federal laws and regulations.

"Nursing home" means any facility or any identifiable component of any facility licensed pursuant to this article in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

"Nonrelated" means not related by blood or marriage, ascending or descending or first degree full or half collateral.

"Substandard quality of care" means deficiencies in practices of patient care, preservation of patient rights, environmental sanitation, physical plant maintenance, or life safety which, if not corrected, will have a significant harmful effect on patient health and safety.

§ 32.1-125. Establishment or operation of abortion clinics, hospitals and nursing homes prohibited without license or certification; licenses not transferable.

A. No person shall own, establish, conduct, maintain, manage or operate in this Commonwealth any abortion clinic, hospital or nursing home unless such abortion clinic, hospital or nursing home is licensed or certified as provided in this article.

B. No license issued hereunder shall be assignable or transferable.

§ 32.1-125.1. Inspection of abortion clinics and hospitals by state agencies generally.

As used in this section unless the context requires a different meaning, "abortion clinic" means an abortion clinic as defined in § 32.1-123, and "hospital" means a hospital as defined in § 32.1-123 or 37.2-100.

State agencies shall make or cause to be made only such inspections of abortion clinics and hospitals as are necessary to carry out the various obligations imposed on each agency by applicable state and federal laws and regulations. Any on-site inspection by a state agency or a division or unit thereof that substantially complies with the inspection requirements of any other state agency or any other division or unit of the inspecting agency charged with making similar inspections shall be accepted as an equivalent inspection in lieu of an on-site inspection by said agency or by a division or unit of the inspecting agency. A state agency shall coordinate its hospital inspections both internally and with those required by other state agencies so as to ensure that the requirements of this section are met.

Notwithstanding any provision of law to the contrary, all hospitals licensed by the Department of Health or Department of Behavioral Health and Developmental Services which have been certified under the provisions of Title XVIII of the Social Security Act for hospital or psychiatric services or which have obtained accreditation from the Joint Commission on Accreditation of Healthcare Organizations may be subject to inspections so long as such certification or accreditation is maintained but only to the extent necessary to ensure the public health and safety.

§ 32.1-126. Commissioner to inspect and to issue licenses to or assure compliance with certification

180 requirements for abortion clinics, hospitals, nursing homes and certified nursing facilities; notice of  
181 denial of license; consultative advice and assistance; notice to electric utilities.

182 A. Pursuant to this article, the Commissioner shall issue licenses to, and assure compliance with  
183 certification requirements for *abortion clinics*, hospitals and nursing homes, and assure compliance with  
184 certification requirements for facilities owned or operated by agencies of the Commonwealth as defined  
185 in subdivision clause (vi) of § 32.1-124, which after inspection are found to be in compliance with the  
186 provisions of this article and with all applicable state and federal regulations. The Commissioner shall  
187 notify by certified mail or by overnight express mail any applicant denied a license of the reasons for  
188 such denial.

189 B. The Commissioner shall cause each and every *abortion clinic*, hospital, nursing home, and  
190 certified nursing facility to be inspected periodically, but not less often than biennially, in accordance  
191 with the provisions of this article and regulations of the Board.

192 Unless expressly prohibited by federal statute or regulation, the findings of the Commissioner, with  
193 respect to periodic surveys of nursing facilities conducted pursuant to the Survey, Certification, and  
194 Enforcement Procedures set forth in 42 C.F.R. Part 488, shall be considered case decisions pursuant to  
195 the Administrative Process Act (§ 2.2-4000 et seq.) and shall be subject to the Department's informal  
196 dispute resolution procedures, or, at the option of the Department or the nursing facility, the formal  
197 fact-finding procedures under § 2.2-4020. The Commonwealth shall be deemed the proponent for  
198 purposes of § 2.2-4020. Further, notwithstanding the provisions of clause (iii) of subsection A of  
199 § 2.2-4025, such case decisions shall also be subject to the right to court review pursuant to Article 5  
200 (§ 2.2-4025 et seq.) of Chapter 40 of Title 2.2.

201 C. The Commissioner may, in accordance with regulations of the Board, provide for consultative  
202 advice and assistance, with such limitations and restrictions as he deems proper, to any person who  
203 intends to apply for a *an abortion clinic*, hospital or nursing home license or nursing facility  
204 certification.

205 D. For the purpose of facilitating the prompt restoration of electrical service and prioritization of  
206 customers during widespread power outages, the Commissioner shall notify on a quarterly basis all  
207 electric utilities serving customers in Virginia as to the location of all nursing homes licensed in the  
208 Commonwealth. The requirements of this subsection shall be met if the Commissioner maintains such  
209 information on an electronic database accessible by electric utilities serving customers in Virginia.

210 § 32.1-127. Regulations.

211 A. The regulations promulgated by the Board to carry out the provisions of this article shall be in  
212 substantial conformity to the standards of health, hygiene, sanitation, construction and safety as  
213 established and recognized by medical and health care professionals and by specialists in matters of  
214 public health and safety, including health and safety standards established under provisions of Title  
215 XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.)  
216 of this chapter.

217 B. Such regulations:

218 1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing  
219 homes and certified nursing facilities to assure the environmental protection and the life safety of its  
220 patients and employees and the public; (ii) the operation, staffing and equipping of *abortion clinics*,  
221 hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of  
222 *abortion clinics*, hospitals, nursing homes and certified nursing facilities, except those professionals  
223 licensed or certified by a *health regulatory board* within the Department of Health Professions; and (iv)  
224 conditions under which a *an abortion clinic*, hospital or nursing home may provide medical and nursing  
225 services to patients in their places of residence;

226 2. Shall provide that at least one physician who is licensed to practice medicine in this  
227 Commonwealth shall be on call at all times, though not necessarily physically present on the premises,  
228 at each hospital which operates or holds itself out as operating an emergency service;

229 3. May classify hospitals and nursing homes by type of specialty or service and may provide for  
230 licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

231 4. Shall also require that each hospital establish a protocol for organ donation, in compliance with  
232 federal law and the regulations of the Centers for Medicare & Medicaid Services (CMS), particularly 42  
233 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization  
234 designated in CMS regulations for routine contact, whereby the provider's designated organ procurement  
235 organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of  
236 patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for  
237 organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in  
238 Virginia certified by the Eye Bank Association of America or the American Association of Tissue  
239 Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least  
240 one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage,  
241 and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential

donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (i) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (ii) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed *abortion clinic* and hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be based on Joint Commission on Accreditation of Healthcare Organizations' standards;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission,

whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days; ~~and~~

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously; *and*

16. *Shall require that each licensed abortion clinic comply with the emergency equipment requirements for ambulatory surgery centers.*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

§ 32.1-129. Application for license.

Each application for ~~a~~ *an abortion clinic*, hospital or nursing home license shall be made on a form prescribed by the Board. The application shall specify the official name and the kind of *abortion clinic*, hospital or nursing home, the location thereof, the name of the person in charge and such additional relevant information as the Board requires.

§ 32.1-130. Service charges for hospitals and nursing homes; licensure fees for abortion clinics.

A. A service charge of \$1.50 per patient bed for which the hospital or nursing home is licensed, but not less than \$75 nor more than \$500, shall be paid for each license upon issuance and renewal. The service charge for a license for a hospital or nursing home which does not provide overnight inpatient care shall be \$75.

B. All service charges received under the provisions of ~~this article~~ *subsection A* shall be paid into a special fund of the Department and are appropriated to the Department for the operation of the hospital and nursing home licensure and inspection program.

C. *All abortion clinics shall submit, in accordance with the Board's regulations, such licensure fees as may be required to support the costs of the abortion clinic licensure and inspection program.*

§ 32.1-133. Display of license.

The current license shall at all times be posted in each *abortion clinic*, hospital or nursing home in a place readily visible and accessible to the public.

§ 32.1-135. Revocation or suspension of license or certification; restriction or prohibition of new admissions to nursing home or on the operation of an abortion clinic.

A. In accordance with applicable regulations of the Board, the Commissioner (i) may restrict or prohibit new admissions to any nursing home or certified nursing facility, ~~or restrict the operation of any abortion clinic~~; (ii) may petition the court to impose a civil penalty against any nursing home, ~~or~~ certified nursing facility, *or abortion clinic* or to appoint a receiver for ~~such a~~ nursing home or certified nursing facility, or, *in the case of a nursing home or certified nursing facility both appoint a receiver and impose a civil penalty*, or (iii) may revoke the certification or may revoke or suspend the license of ~~a~~ *an abortion clinic*, hospital or nursing home or the certification of any certified nursing facility for violation of any provision of this article or Article 2 (§ 32.1-138 et seq.) of this chapter or of any applicable regulation promulgated under this chapter or for permitting, aiding, or abetting the commission of any illegal act in the *abortion clinic*, hospital or nursing home.

All appeals from notice of imposition of administrative sanctions shall be received in writing within ~~fifteen~~ 15 days of the date of receipt of such notice. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall be applicable to such appeals.

B. If a license or certification is revoked as herein provided, a new license or certification may be issued by the Commissioner after satisfactory evidence is submitted to him that the conditions upon which revocation was based have been corrected and after proper inspection has been made and compliance with all provisions of this article and applicable state and federal law and regulations hereunder has been obtained.

C. Suspension of a license shall in all cases be for an indefinite time. The Commissioner may completely or partially restore a suspended license or certificate when he determines that the conditions upon which suspension was based have been completely or partially corrected and that the interests of the public will not be jeopardized by resumption of operation. No additional service charges shall be

365 required for restoring such license.

366 **2. That the Board of Health shall promulgate regulations to implement the provisions of this act**  
367 **to be effective within 280 days of its enactment.**

368 **3. That the provisions of §§ 32.1-125, 32.1-125.1, 32.1-126, 32.1-133, and 32.1-135 of this act shall**  
369 **become effective upon the promulgation of final regulations implementing the provisions of this**  
370 **act.**

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