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HOUSE BILL NO. 1445

House Amendments in [] — January 24, 2013

A BILL to amend and reenact §§ 32.1-162.9 and 32.1-162.11 of the Code of Virginia, relating to home care organizations; requirements for liability insurance.

Patron Prior to Engrossment—Delegate Head

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-162.9 and 32.1-162.11 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-162.9. Licenses required; renewal thereof.

A. No person shall establish or operate a home care organization without a license issued pursuant to this article unless he is exempt from licensure pursuant to § 32.1-162.8. No license to establish or operate a home care organization shall be issued to any person who has been sanctioned pursuant to 42 U.S.C. § 1320a-7b.

B. The Commissioner shall issue or renew a license to establish or operate a home care organization upon application therefor on a form and accompanied by a fee prescribed by the Board if the Commissioner finds that the home care organization is in compliance with the provisions of this article and regulations of the Board, unless the Commissioner determines that no reciprocal agreement for the licensing of home care organizations has been entered into by the Commonwealth with the state in which the applicant resides or with the state in which the applicant's home care organization is licensed to operate. The Commissioner shall not issue or renew a license to establish or operate a home care organization to any applicant who has been sanctioned pursuant to 42 U.S.C. § 1320a-7b.

C. The Commissioner may issue a license to a home care organization authorizing the licensee to provide services at one or more branch offices serving portions of the total geographic area served by the licensee, provided each branch office operates under the supervision and administrative control of the licensee. The address of each branch office at which services are provided by the licensee shall be included on any license issued to the licensee.

D. Every such license shall expire on the anniversary of its issuance or renewal.

E. The activities and services of each applicant for issuance or renewal of a home care organization license shall be subject to an inspection or examination by the Commissioner to determine if the home care organization is in compliance with the provisions of this article and regulations of the Board.

F. No license issued pursuant to this article may be transferred or assigned.

§ 32.1-162.11. Liability insurance required.

Every licensed home care organization shall obtain and maintain a liability insurance policy and surety [~~employee dishonesty~~ third party crime insurance] policy or blanket fidelity bond requirements adequate in accordance with regulations of the Board. Such insurance policy or bond shall provide coverage in an amount sufficient to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of home care organizations the licensee. Every licensee shall maintain in force such liability insurance and surety bond requirements as the Board establishes. Failure to maintain these requirements shall result in revocation of the home care organization's license.

ENGROSSED

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