

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-126 of the Code of Virginia, relating to hospitals and nursing*  
3 *homes; frequency of inspection.*

4  
5 Approved

[H 879]

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

7 **1. That § 32.1-126 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 32.1-126. Commissioner to inspect and to issue licenses to or assure compliance with**  
9 **certification requirements for hospitals, nursing homes, and certified nursing facilities; notice of**  
10 **denial of license; consultative advice and assistance; notice to electric utilities.**

11 A. Pursuant to this article, the Commissioner shall issue licenses to, and assure compliance with  
12 certification requirements for hospitals and nursing homes, and assure compliance with certification  
13 requirements for facilities owned or operated by agencies of the Commonwealth as defined in  
14 subdivision (vi) of § 32.1-124, which after inspection are found to be in compliance with the provisions  
15 of this article and with all applicable state and federal regulations. The Commissioner shall notify by  
16 certified mail or by overnight express mail any applicant denied a license of the reasons for such denial.

17 B. The Commissioner shall cause each and every hospital, nursing home, and certified nursing  
18 facility to be inspected periodically, but not less often than biennially, in accordance with the provisions  
19 of this article and regulations of the Board. However, except as ~~required~~ *when performed in conjunction*  
20 *with an inspection required* by the Centers for Medicare and Medicaid Services, no hospital, nursing  
21 home, or certified nursing facility shall receive additional inspections until all other hospitals, nursing  
22 homes, or certified nursing facilities in the Commonwealth, respectively, have also been inspected,  
23 unless the additional inspections are (i) necessary to follow up on a preoperational inspection or one or  
24 more violations; (ii) required by a uniformly applied risk-based schedule established by the Department;  
25 (iii) necessary to investigate a complaint regarding the hospital, nursing home, or certified nursing  
26 facility; or (iv) otherwise deemed necessary by the Commissioner or his designee to protect the health  
27 and safety of the public.

28 Unless expressly prohibited by federal statute or regulation, the findings of the Commissioner, with  
29 respect to periodic surveys of nursing facilities conducted pursuant to the Survey, Certification, and  
30 Enforcement Procedures set forth in 42 C.F.R. Part 488, shall be considered case decisions pursuant to  
31 the Administrative Process Act (§ 2.2-4000 et seq.) and shall be subject to the Department's informal  
32 dispute resolution procedures, or, at the option of the Department or the nursing facility, the formal  
33 fact-finding procedures under § 2.2-4020. The Commonwealth shall be deemed the proponent for  
34 purposes of § 2.2-4020. Further, notwithstanding the provisions of clause (iii) of subsection A of  
35 § 2.2-4025, such case decisions shall also be subject to the right to court review pursuant to Article 5  
36 (§ 2.2-4025 et seq.) of Chapter 40 of Title 2.2.

37 C. The Commissioner may, in accordance with regulations of the Board, provide for consultative  
38 advice and assistance, with such limitations and restrictions as he deems proper, to any person who  
39 intends to apply for a hospital or nursing home license or nursing facility certification.

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

45 **2. That an emergency exists and this act is in force from its passage.**

ENROLLED

HB879ER