



Virginia  
Regulatory  
Town Hall

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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5-220
<b>Regulation title</b>	Medical Care Facilities Certificate of Public Need Rules and Regulations
<b>Action title</b>	To amend specific sections pursuant to HB1598 (2009)
<b>Final agency action date</b>	July 17, 2009
<b>Document preparation date</b>	July 23, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

HB1598 (2009) is a comprehensive amendment of Article 1.1 of Chapter 4 of Title 32.1 of the Code of Virginia related to the Certificate of Public Need (COPN) program. The amendments to the Code included, but were not limited to: (i) replacing the 21 considerations used in making a determination of need with eight modified and abbreviated considerations; (ii) adding beds for psychiatric or substance abuse treatment services and the establishment of new psychiatric or substance abuse treatment services to the Request for Applications (RFA) process currently used for distributing nursing facility beds; (iii) extending the expedited review process to certain capital expenditure projects; and (iv) modifying the requirements of the annual report. Therefore, applicable sections of 12VAC5-220 must be amended to conform to the law. In addition, a technical correction to 12VAC5-220-105 corrects a misquoted statutory citation.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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At its July 17, 2009 meeting, the Board of Health approved this nondiscretionary action to amend sections 12VAC5-220- 90, 105, 160, 180, 210, 280, 335, 345, 355, and 375.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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There is no direct impact on the family or family stability.