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## Final Regulation Agency Background Document

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| <b>Agency name</b>  | Virginia Board of Health  |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 12VAC5-410  |
| <b>VAC Chapter title(s)</b>                                   | Regulations for the Licensure of Hospitals in Virginia                                    |
| <b>Action title</b>   | Amend regulations to revise construction standards for inpatient and outpatient hospitals |
| <b>Date this document prepared</b>                            | May 8, 2020   |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This regulatory action is in response to a Petition for Rulemaking. The action will bring 12VAC5-410 into conformity with the provisions of Va. Code § 32.1-127.001, which states that “Notwithstanding any law or regulation to the contrary, the Board of Health shall promulgate regulations...for the licensure of hospitals...that shall include minimum standards for the design and construction of hospitals...consistent with the current edition of the Guidelines for Design and Construction of Hospital and Health Care Facilities issued by the American Institute of Architects Academy of Architecture for Health.” The American Institute of Architects Academy of Architecture for Health is now the Facility Guidelines Institute. The 2018 editions of the *Guidelines for Design and Construction of Hospitals* and the *Guidelines for Design and Construction of Outpatient Facilities* are the latest editions.

The regulations currently state that the Virginia Uniform Statewide Building Code takes precedence over the Hospital Guidelines and Outpatient Guidelines, and the editions of these guidelines listed within the regulation is outdated. This provision does not conform to the requirements of Va. Code § 32.1-127.001.

The Board plans to amend several sections of the regulation related to building and physical plan information and building and construction codes for hospital facilities to specify that the facilities shall be designed, constructed, and renovated consistent with the 2018 editions and remove language that states the Uniform Statewide Building Code takes precedence.

### Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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Board – Virginia Board of Health  
Code – Code of Virginia  
FGI – Facility Guidelines Institute  
Hospital Guidelines – *Guidelines for Design and Construction of Hospitals*  
Outpatient Guidelines- *Guidelines for Design and Construction of Outpatient Facilities*

### Statement of Final Agency Action

*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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The Board of Health approved this Final Action for Regulations for the Licensure of Hospitals in Virginia on June 4, 2020.

### Mandate and Impetus

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.*

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The impetus, as reported previously, is a Petition for Rulemaking and to conform 12VAC5-410 to the Code. Since the last stage, the FGI has published a 2018 edition of the Hospital Guidelines and the Outpatient Guidelines.

### Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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The Board is promulgating this regulation under the authority of Va. Code § 32.1-12, which states, in relevant part, that “[t]he Board may make, adopt, promulgate and enforce such regulations and provide for reasonable variances and exemptions therefrom as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by it, the Commissioner or the Department” and

Va. Code § 32.1-127, which states, in relevant part, that “[t]he regulations promulgated by the board...[s]hall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities.”

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.*

This regulatory action is in response to a Petition for Rulemaking. The action will bring the regulation into conformity with the provisions of Va. Code § 32.1-127.001, which states, in relevant part, that “[n]otwithstanding any law or regulation to the contrary, the Board of Health shall promulgate regulations...for the licensure of hospitals...that shall include minimum standards for the design and construction of hospitals...consistent with the current edition of the Guidelines for Design and Construction of Hospital and Health Care Facilities issued by the American Institute of Architects Academy of Architecture for Health [now FGI].” The regulations currently state that the Virginia Uniform Statewide Building Code takes precedence over the Hospital Guidelines and Outpatient Guidelines, and the editions of these guidelines listed within the regulation is outdated. Existing regulatory language is contrary to the requirements of Va. Code § 32.1-127.001.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.*

12VAC5-410-442 – Obstetric service design and equipment criteria – Update the edition of the Hospital Guidelines listed in subsection A and the coinciding sections related to obstetric services, and add explanatory text in subsection B as to what a LDF/LDRP room is.

12VAC5-410-445 – Newborn service design and equipment criteria – Update the edition of the Hospital Guidelines listed in subsection A and the coinciding sections related to nursery services.

12VAC5-410-650- General building and physical plant information – Update the edition of the Hospital Guidelines listed in subsection A and remove language which states that the Virginia Uniform Statewide Building Code takes precedence. Add language stating that the facility's architect shall certify that the facility conforms to the Virginia Statewide Building Code and the FGI Guidelines.

12VAC5-410-760 – Long-term care nursing units – Update the edition of the Hospital Guidelines listed in the section and the coinciding section related to skilled nursing care units. Add language stating that the facility's architect shall certify that the facility conforms to the Virginia Statewide Building Code and the FGI Guidelines.

12VAC5-410-1350 – Codes; fire safety; zoning; construction standards – Update the edition of the Outpatient Guidelines listed in subsection A and remove language which states that the Virginia Uniform Statewide Building Code takes precedence. Add language stating that the facility's architect shall certify

that the facility conforms to the Virginia Statewide Building Code and the FGI Guidelines.

**Issues**

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary advantages of the proposed regulatory action to the public are increased facility and construction safety protections in new or renovated hospitals. The primary disadvantage to the public associated with the proposed action is the increased cost some facilities may incur to renovate or construct their facility in order to comply with the regulations. This increased cost may be passed on to the patient. VDH does not foresee any additional disadvantages to the public. The primary advantage to the agency and the Commonwealth is the promotion of public health and safety. There are no disadvantages associated with the proposed regulations in relation to the agency or the Commonwealth.

**Requirements More Restrictive than Federal**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.*

There is no change in the information reported in the previous stage.

**Agencies, Localities, and Other Entities Particularly Affected**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

There is no change in the information reported in the *Localities Particularly Affected* or *Economic Impact* sections of the Agency Background Document from the previous stage.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

No public comments were received following publication of the previous stage

**Detail of Changes Made Since the Previous Stage**

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.

| Current chapter-section number | New chapter - section number , if applicable | New requirement from previous stage  | Updated new requirement since previous stage  | Change, intent, rationale, and likely impact of updated requirements             |
|--------------------------------|--|--|---|--|
| 12VAC5-410-442                 | N/A  | A. Renovation or construction of a hospital's obstetric unit shall be consistent with (i) section <del>2-4-4 2.2-2.11</del> of Part 2 of the <del>2006</del> 2014 Guidelines for Design and Construction of <del>Health-Care Hospitals and Outpatient Facilities</del> of the <del>American Facility Guidelines Institute of Architects</del> pursuant to § 32.1-127.001 of the Code of Virginia and (ii) the Virginia Uniform Statewide Building Code (13VAC5-63).  | A. Renovation or construction of a hospital's obstetric unit shall be consistent with (i) section <del>2-4</del> [ <del>4-2-2-2.11</del> <del>2.2-2.9</del> ] of Part 2 of the <del>2006</del> [ <del>2014</del> 2018 ] Guidelines for Design and Construction of <del>Health-Care Hospitals</del> [ <del>and Outpatient Facilities</del> ] of the <del>American Facility Guidelines Institute of Architects</del> pursuant to § 32.1-127.001 of the Code of Virginia and (ii) the Virginia Uniform Statewide Building Code (13VAC5-63).  | This change updates the reference to the current 2018 edition of the Guidelines. |
| 12VAC5-410-445                 | N/A  | A. Construction <del>and or</del> renovation of a hospital's nursery shall be consistent with <del>sections 2.2 — 2.12.1 through 2.2 — 2.12.6.6</del> (i) section <del>2.2-2.12</del> of Part 2 of the <del>2010</del> 2014 Guidelines for Design and Construction of <del>Health-Care Hospitals and Outpatient Facilities</del> of the <del>Facilities Facility Guidelines Institute (formerly of the American Institute of Architects)</del> pursuant to § 32.1-127.001 of the Code of Virginia and (ii) the Virginia Uniform Statewide Building Code (13VAC5-63). Hospitals with higher-level nurseries shall comply with <del>sections</del> | A. Construction <del>and or</del> renovation of a hospital's nursery shall be consistent with <del>sections 2.2 — 2.12.1 through 2.2 — 2.12.6.6</del> (i) section [ <del>2.2-2.12</del> <del>2.2-2.10</del> ] of Part 2 of the <del>2010</del> [ <del>2014</del> 2018 ] Guidelines for Design and Construction of <del>Health-Care Hospitals</del> [ <del>and Outpatient-Facilities</del> ] of the <del>Facilities Facility Guidelines Institute (formerly of the American Institute of Architects)</del> pursuant to § 32.1-127.001 of the Code of Virginia and (ii) the Virginia Uniform Statewide Building Code (13VAC5-63). Hospitals with higher-level nurseries | This change updates the reference to the current 2018 edition of the Guidelines. |

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|                       |            | <p><del>2.2-2.10.1 through 2.2-10.9.3 section 2.2-2.10 of Part 2 of the 2010 guideline</del> 2014 edition of the guidelines as applicable.</p>  | <p>shall comply with sections <del>2.2-2.10.1 through 2.2-10.9.3</del> section [ <del>2.2-2.10 2.2-2.8</del> ] of Part 2 of the 2010 guideline [ <del>2014 2018</del> ] edition of the guidelines as applicable.</p>  |   |
| <p>12VAC5-410-650</p> | <p>N/A</p> | <p>A. All construction of new buildings and additions, renovations, alterations or repairs of existing buildings for occupancy as a hospital shall conform to state and local codes, zoning and building ordinances, and the Virginia Uniform Statewide Building Code (13VAC5-63).</p> <p>In addition, hospitals shall be designed and constructed according to consistent with Part 1 and sections 2.1-1 through 2.2-8 of Part 2 of the 2010 2014 Guidelines for Design and Construction of Health Care Hospitals and Outpatient Facilities of the Facilities Facility Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence pursuant to § 32.1-127.001 of the Code of Virginia.</p> <p>B. All buildings shall be inspected and approved as required by the appropriate building regulatory entity. Approval shall be a Certificate of Use and Occupancy indicating the building is classified for its proposed licensed purpose. Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated,</p> | <p>A. All construction of new buildings and additions, renovations, alterations or repairs of existing buildings for occupancy as a hospital shall conform to state and local codes, zoning and building ordinances, and the Virginia Uniform Statewide Building Code (13VAC5-63).</p> <p>In addition, hospitals shall be designed and constructed according to consistent with Part 1 and sections 2.1-4 through 2.2-8 of Part 2 of the 2010 [ 2014 2018 ] Guidelines for Design and Construction of Health Care Hospitals [ and Outpatient Facilities ] of the Facilities Facility Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence pursuant to § 32.1-127.001 of the Code of Virginia.</p> <p>B. All buildings shall be inspected and approved as required by the appropriate building regulatory entity. Approval shall be a Certificate of Use and Occupancy indicating the building is classified for its proposed licensed purpose. Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with</p> | <p>This change updates the reference to the current 2018 edition of the Guidelines.</p> |

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|                       |            | <p><u>stamped with professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with Part 1 and Part 2 of the 2014 Guidelines for Design and Construction of Hospitals and Outpatient Facilities of the Facility Guidelines Institute. The certification shall be forwarded to the OLC.</u></p>   | <p><u>professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with Part 1 and Part 2 of the <del>2014</del> 2018 Guidelines for Design and Construction of Hospitals <del>and Outpatient Facilities</del> of the Facility Guidelines Institute. <del>The certification shall be forwarded to the OLC.</del></u></p>   | <p>This change updates the reference to the current 2018 edition of the <i>Guidelines</i>.</p> <p>This change removes a requirement that was included in the proposed stage that is no longer necessary.</p> |
| <p>12VAC5-410-760</p> | <p>N/A</p> | <p>Construction and renovation of long-term care nursing units, including intermediate and skilled nursing care nursing units, shall conform <del>to be</del> designed and constructed consistent with section 2.1-3.9 <del>2.2-2.15</del> of Part 2 of the <del>2006</del> 2014 Guidelines for Design and Construction of <del>Health Care Hospitals and Outpatient Facilities</del> of the <del>American Facility Guidelines Institute of Architects</del> pursuant to § 32.1-127.001 of the Code of Virginia.</p> <p><u>Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with section</u></p> | <p>Construction and renovation of long-term care nursing units, including intermediate and skilled nursing care nursing units, shall conform <del>to be</del> designed and constructed consistent with section 2.1-3.9 <del>2.2-2.15</del> <del>2.2-2.13</del> of Part 2 of the <del>2006</del> <del>2014</del> 2018 Guidelines for Design and Construction of <del>Health Care Hospitals</del> <del>[ and Outpatient Facilities ]</del> of the <del>American Facility Guidelines Institute of Architects</del> pursuant to § 32.1-127.001 of the Code of Virginia.</p> <p><u>Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with section</u></p> | <p>The change updates the reference to the current 2018 edition of the <i>Guidelines</i>.</p> <p>This change updates the reference to the current</p>  |

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|                        |            | <p><u>2.2-2.15 of Part 2 of the 2014 Guidelines for Design and Construction of Hospitals and Outpatient Facilities of the Facility Guidelines Institute. The certification shall be forwarded to the OLC.</u></p>   | <p><del><u>2.2-2.15</u></del> <u>2.2-2.13] of Part 2 of the [2014 2018] Guidelines for Design and Construction of Hospitals [and—Outpatient Facilities] of the Facility Guidelines Institute. [The certification shall be forwarded to the OLC.]</u></p>   | <p>2018 edition of the Guidelines.<br/><br/>This change removes a requirement that was included in the proposed stage that is no longer necessary.</p> |
| <p>12VAC5-410-1350</p> | <p>N/A</p> | <p>A. All construction of new buildings and additions alterations or repairs to existing buildings for occupancy as a "free-standing" outpatient hospital shall conform to state and local codes, zoning and building ordinances, and the <u>Statewide Virginia Uniform Statewide Building Code (13VAC5-63).</u><br/><br/>In addition, hospitals shall be designed and constructed <del>according</del> <u>to consistent with Part 1 and sections 3.1-4 through 3.1-8 &amp; 3.1 and 3.7 of Part 3 of the 2010 2014 Guidelines for Design and Construction of Health Care Hospitals and Outpatient Facilities of the Facilities Facility Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence pursuant to § 32.1-127.001 of the Code of Virginia.</u><br/><br/><u>Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with professional seal, and signed by the architect. The architect</u></p> | <p>A. All construction of new buildings and additions alterations or repairs to existing buildings for occupancy as a "free-standing" outpatient hospital shall conform to state and local codes, zoning and building ordinances, and the <u>Statewide Virginia Uniform Statewide Building Code (13VAC5-63).</u><br/><br/>In addition, hospitals shall be designed and constructed <del>according to</del> <u>consistent with Part 1 and sections 3.1-4 through 3.1-8 [ 3.1 and 3.7 of Part 3 2.1 and 2.7 of Part 2 ] of the 2010 [2014 2018] Guidelines for Design and Construction of Health Care [ Hospitals—and ] Outpatient Facilities of the Facilities Facility Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence pursuant to § 32.1-127.001 of the Code of Virginia.</u><br/><br/><u>Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with</u></p> | <p>This change updates the reference to the current 2018 edition of the Guidelines.</p>  |



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|   |            | <p><u>shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with Part 1 and sections 3.1 and 3.7 of Part 3 of the 2014 Guidelines for Design and Construction of Hospitals and Outpatient Facilities of the Facility Guidelines Institute. The certification shall be forwarded to the OLC.</u></p> | <p><u>professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with Part 1 and sections <del>3.1 and 3.7 of Part 3</del> 2.1 and 2.7 of Part 2] of the <del>2014</del> 2018] Guidelines for Design and Construction of <del>Hospitals and</del> Outpatient Facilities of the Facility Guidelines Institute. <del>[The certification shall be forwarded to the OLC.]</del></u></p>  | <p>This change updates the reference to the current 2018 edition of the <i>Guidelines</i>.</p> <p>This change removes a requirement that was included in the proposed stage that is no longer necessary.</p> |
| <p>DOCUMENTS INCORPORATED BY REFERENCE (12VAC5-410)</p> | <p>N/A</p> | <p>Guidelines for Design and Construction of Health Care Hospitals and Outpatient Facilities, 2014 Edition, Facility Guidelines Institute (formerly of the American Institute of Architects), Washington, D.C., 2010 Edition, <a href="http://www.fgiguilines.org">http://www.fgiguilines.org</a></p>   | <p>Guidelines for Design and Construction of Health Care Hospitals <del>[ and Outpatient Facilities ]</del>, <del>[ 2014 2018 ]</del> Edition, Facility Guidelines Institute (formerly of the American Institute of Architects), Washington, D.C., 2010 Edition, <a href="http://www.fgiguilines.org">http://www.fgiguilines.org</a> <a href="https://fgiguilines.org">https://fgiguilines.org</a></p> <p>[ Guidelines for Design and Construction of Outpatient Facilities, 2018 Edition, Facility Guidelines Institute, Washington, D.C., <a href="https://www.fgiguilines.org">https://www.fgiguilines.org</a> ]</p> | <p>This change updates the reference to the current 2018 edition of the Hospital and Outpatient <i>Guidelines</i>.</p>   |

**Detail of All Changes Proposed in this Regulatory Action**

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements

and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC  | Change, intent, rationale, and likely impact of updated requirements   |
|--------------------------------|---|--|--|
| 12VAC5-410-442                 | N/A                                       | <p>A. Renovation or construction of a hospital's obstetric unit shall be consistent with section 2.1-4 of Part 2 of the 2006 Guidelines for Design and Construction of Health Care Facilities of the American Institute of Architects.</p> <p>B. Delivery rooms, LDR/LDRP rooms, and nurseries shall be equipped to provide emergency resuscitation for mothers and infants.</p> <p style="text-align: center;">* * *</p> <p>F. Daily monitoring is required of the stock of necessary equipment in the labor, delivery, and recovery rooms (LDR) and labor, delivery, recovery and postpartum (LDRP) rooms and nursery.</p> | <p><b>CHANGE:</b> The Board is proposing the following changes:</p> <p>A. Renovation or construction of a hospital's obstetric unit shall be consistent with (i) section <del>2.1-4</del> <del>[2.2-2.11 2.2-2.9]</del> of Part 2 of the <del>2006</del> <del>[2014 2018]</del> Guidelines for Design and Construction of <del>Health Care Hospitals</del> <del>[and Outpatient Facilities]</del> of the <del>American Facility Guidelines</del> Institute of Architects pursuant to § <del>32.1-127.001</del> of the Code of Virginia and (ii) the Virginia Uniform Statewide Building Code (<del>13VAC5-63</del>).</p> <p>B. Delivery rooms, <del>LDR/LDRP labor, deliver, and recover (LDR) rooms; labor delivery, recovery, and postpartum (LDRP) rooms;</del> and nurseries shall be equipped to provide emergency resuscitation for mothers and infants.</p> <p style="text-align: center;">* * *</p> <p>F. Daily monitoring is required of the stock of necessary equipment in the <del>labor, delivery, and recovery LDR rooms (LDR) and labor, delivery, recovery and postpartum (LDRP) LDRP rooms</del> and nursery.</p> <p><b>INTENT:</b> Update the regulations to be in compliance with the Code of Virginia.</p> <p><b>RATIONALE:</b> Eliminate any conflicts between the Code of Virginia and the regulations</p> <p><b>LIKELY IMPACT:</b> Greater clarity of the regulatory chapter.</p> |
| 12VAC5-410-445                 | N/A                                       | <p>A. Construction and renovation of a hospital's nursery shall be consistent with sections 2.2—2.12.1 through 2.2—2.12.6.6 of</p>   | <p><b>CHANGE:</b> The Board is proposing the following changes:</p> <p>A. Construction <del>and or</del> renovation of a hospital's nursery shall be</p>   |

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|                |     | <p>Part 2 of the 2010 Guidelines for Design and Construction of Health Care Facilities of the Facilities Institute (formerly of the American Institute of Architects). Hospitals with higher-level nurseries shall comply with sections 2.2—2.10.1 through 2.2—10.9.3 of Part 2 of the 2010 guideline as applicable.</p> <p style="text-align: center;">* * *</p> <p>D. The additional equipment required for the specialty level newborn service and a higher newborn service is as follows:</p> <p style="text-align: center;">* * *</p> <p>2. Equipment necessary for ongoing assisted ventilation approved for neonatal use with on-line capabilities for monitoring airway pressure and ventilation performance;</p> | <p>consistent with <del>sections 2.2—2.12.1 through 2.2—2.12.6.6</del> (i) section <del>[2.2-2.12 2.2-2.10]</del> of Part 2 of the 2010 <del>[2014 2018]</del> Guidelines for Design and Construction of <del>Health Care Hospitals [and Outpatient Facilities]</del> of the <del>Facilities Facility</del> Guidelines Institute (formerly of the American Institute of Architects) pursuant to <del>§ 32.1-127.001</del> of the Code of Virginia and (ii) the Virginia Uniform <del>Statewide Building Code (13VAC5-63)</del>. Hospitals with higher-level nurseries shall comply with sections <del>2.2—2.10.1 through 2.2—10.9.3</del> section <del>[2.2-2.10 2.2-2.8]</del> of Part 2 of the 2010 <del>guideline [2014 2018]</del> edition of the guidelines as applicable.</p> <p style="text-align: center;">* * *</p> <p>D. The additional equipment required for the specialty level newborn service and a higher newborn service is as follows:</p> <p style="text-align: center;">* * *</p> <p>2. Equipment necessary for ongoing assisted ventilation approved for neonatal use with <del>on-line</del> online capabilities for monitoring airway pressure and ventilation performance;</p> <p><b>INTENT:</b> Update the regulations to be in compliance with the Code of Virginia.<br/> <b>RATIONALE:</b> Eliminate any conflicts between the Code of Virginia and the regulations<br/> <b>LIKELY IMPACT:</b> Greater clarity of the regulatory chapter.</p> |
| 12VAC5-410-650 | N/A | <p>A. All construction of new buildings and additions, renovations, alterations or repairs of existing buildings for occupancy as a hospital shall conform to state and local codes, zoning and building ordinances, and</p>  | <p><b>CHANGE:</b> The Board is proposing the following changes:</p> <p>A. All construction of new buildings and additions, renovations, alterations or repairs of existing buildings for occupancy as a hospital shall conform to state and local codes, zoning and <del>building</del></p>  |

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|                |     | <p>the Uniform Statewide Building Code.</p> <p>In addition, hospitals shall be designed and constructed according to Part 1 and sections 2.1—1 through 2.2—8 of Part 2 of the 2010 Guidelines for Design and Construction of Health Care Facilities of the Facilities Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence.</p> <p>B. All buildings shall be inspected and approved as required by the appropriate building regulatory entity. Approval shall be a Certificate of Use and Occupancy indicating the building is classified for its proposed licensed purpose.</p> | <p>ordinances, and the <u>Virginia Uniform Statewide Building Code (13VAC5-63)</u>.</p> <p>In addition, hospitals shall be designed and constructed <del>according to</del> <u>consistent with</u> Part 1 and <del>sections 2.1—1 through 2.2—8 of Part 2 of the 2010</del> <u>[2014 2018]</u> Guidelines for Design and Construction of <u>Health Care Hospitals [and Outpatient Facilities]</u> of the <u>Facilities Facility</u> Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence pursuant to <u>§ 32.1-127.001</u> of the Code of Virginia.</p> <p><del>B. All buildings shall be inspected and approved as required by the appropriate building regulatory entity. Approval shall be a Certificate of Use and Occupancy indicating the building is classified for its proposed licensed purpose. Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with Part 1 and Part 2 of the [2014 2018] Guidelines for Design and Construction of Hospitals [and Outpatient Facilities] of the Facility Guidelines Institute. [The certification shall be forwarded to the OLC.]</del></p> <p><b>INTENT:</b> Update the regulations to be in compliance with the Code of Virginia.<br/> <b>RATIONALE:</b> Eliminate any conflicts between the Code of Virginia and the regulations<br/> <b>LIKELY IMPACT:</b> Greater clarity of the regulatory chapter.</p> |
| 12VAC5-410-760 | N/A | Construction and renovation of long-term care  | <b>CHANGE:</b> The Board is proposing the following changes:  |

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|                        |            | <p>nursing units, including intermediate and skilled nursing care nursing units shall conform to section 2.1—3.9 of Part 2 of the 2006 Guidelines for Design and Construction of Health Care Facilities of the American Institute of Architects.</p>   | <p>Construction and renovation of long-term care nursing units, including intermediate and skilled nursing care nursing units, shall conform to be designed and constructed consistent with section 2.1—3.9 [2.2-2.15 2.2-2.13] of Part 2 of the 2006 [2014 2018] Guidelines for Design and Construction of Health Care Hospitals [and Outpatient Facilities] of the American Facility Guidelines Institute of Architects pursuant to § 32.1-127.001 of the Code of Virginia.</p> <p>Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (13VAC5-63) and be consistent with section [2.2-2.15 2.2-2.13] of Part 2 of the [2014 2018] Guidelines for Design and Construction of Hospitals [and Outpatient Facilities] of the Facility Guidelines Institute. [The certification shall be forwarded to the OLC.]</p> <p><b>INTENT:</b> Update the regulations to be in compliance with the Code of Virginia.</p> <p><b>RATIONALE:</b> Eliminate any conflicts between the Code of Virginia and the regulations</p> <p><b>LIKELY IMPACT:</b> Greater clarity of the regulatory chapter.</p> |
| <p>12VAC5-410-1350</p> | <p>N/A</p> | <p><b>12VAC5-410-1350. Codes; fire safety; zoning; construction standards.</b></p> <p>A. All construction of new buildings and additions alterations or repairs to existing buildings for occupancy as a "free-standing" outpatient hospital shall conform to state and local codes, zoning and building</p> | <p><b>CHANGE:</b> The Board is proposing the following changes:</p> <p><b>12VAC5-410-1350. Codes; fire safety; zoning; construction Local and state codes and standards.</b></p> <p>A. All construction of new buildings and additions alterations or repairs to existing buildings for occupancy as a "free-standing" outpatient hospital shall conform to state and local codes, zoning and</p>  |

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|  |  | <p>ordinances, and the Statewide Uniform Building Code.</p> <p>In addition, hospitals shall be designed and constructed according to Part 1 and sections 3.1-1 through 3.1-8 and 3.7 of Part 3 of the 2010 Guidelines for Design and Construction of Health Care Facilities of the Facilities Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence.</p> <p>B. All buildings shall be inspected and approved as required by the appropriate building regulatory entity. Approval shall be a Certificate of Use and Occupancy indicating the building is classified for its proposed licensed purpose.</p> <p>C. The use of an incinerator shall require permitting from the nearest regional office of the Department of Environmental Quality.</p> <p>D. Water shall be obtained from an approved water supply system. Outpatient surgery centers shall be connected to sewage systems approved by the Department of Health or the Department of Environmental Quality.</p> <p>E. Each outpatient surgery center shall establish a monitoring program for the internal enforcement of all applicable fire and safety laws and regulations.</p> <p>F. All radiological machines shall be registered with the Office of</p> | <p><del>building</del> ordinances, and the <del>Statewide</del> Virginia Uniform <del>Statewide</del> Building Code (<a href="#">13VAC5-63</a>).</p> <p>In addition, hospitals shall be designed and constructed <del>according to</del> consistent with Part 1 and sections <del>3.1-1 through 3.1-8</del> [3.1 and 3.7 of Part 3 2.1 and 2.7 of Part 2] of the 2010 [2014 2018] Guidelines for Design and Construction of Health Care [Hospitals and] Outpatient Facilities of the <del>Facilities</del> Facility Guidelines Institute (formerly of the American Institute of Architects). However, the requirements of the Uniform Statewide Building Code and local zoning and building ordinances shall take precedence pursuant to <a href="#">§ 32.1-127.001</a> of the Code of Virginia.</p> <p><u>Architectural drawings and specifications for all new construction or for additions, alterations, or renovations to any existing building shall be dated, stamped with professional seal, and signed by the architect. The architect shall certify that the drawings and specifications were prepared to conform to the Virginia Uniform Statewide Building Code (<a href="#">13VAC5-63</a>) and be consistent with Part 1 and sections [3.1 and 3.7 of Part 3 2.1 and 2.7 of Part 2] of the [2014 2018] Guidelines for Design and Construction of [Hospitals and] Outpatient Facilities of the Facility Guidelines Institute. [The certification shall be forwarded to the OLC.]</u></p> <p><del>B. All buildings shall be inspected and approved as required by the appropriate building regulatory entity. Approval shall be a Certificate of Use and Occupancy indicating the building is classified for its proposed licensed purpose.</del></p> <p><del>C. B.</del> The use of an incinerator shall require permitting from the nearest regional office of the Department of Environmental Quality.</p> <p><del>D. C.</del> Water shall be obtained from an approved water supply system. Outpatient surgery centers shall be connected to sewage systems approved by the Department</p> |
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|   |            | <p>Radiological Health of the Virginia Department of Health. Installation, calibration and testing of machines and storage facilities shall comply with 12VAC5-480, Radiation Protection Regulations.</p> <p>G. Pharmacy services shall comply with Chapter 33 (§ 54.1-3300 et seq.) of Title 54.1 of the Code of Virginia and 18VAC110-20, Regulations Governing the Practice of Pharmacy.</p> | <p>of Health or the Department of Environmental Quality.</p> <p><del>E. D.</del> Each outpatient surgery center shall establish a monitoring program for the internal enforcement of all applicable fire and safety laws and regulations.</p> <p><del>F. E.</del> All radiological machines shall be registered with the Office of Radiological Health of the Virginia Department of Health. Installation, calibration and testing of machines and storage facilities shall comply with <u>12VAC5-480</u> <u>12VAC5-481</u>, <u>Virginia</u> Radiation Protection Regulations.</p> <p><del>G. F.</del> Pharmacy services shall comply with Chapter 33 (§ <u>54.1-3300</u> et seq.) of Title 54.1 of the Code of Virginia and <u>18VAC110-20</u>, Regulations Governing the Practice of Pharmacy.</p> <p><b>INTENT:</b> Update the regulations to be in compliance with the Code of Virginia.</p> <p><b>RATIONALE:</b> Eliminate any conflicts between the Code of Virginia and the regulations</p> <p><b>LIKELY IMPACT:</b> Greater clarity of the regulatory chapter.</p> |
| <p>DOCUMENTS INCORPORATED BY REFERENCE (12VAC5-410)</p> | <p>N/A</p> | <p>Guidelines for Design and Construction of Health Care Facilities, Facilities Guidelines Institute (formerly of the American Institute of Architects), Washington, D.C., 2010 Edition.</p>  | <p><b>CHANGE:</b> The Board is proposing the following changes:</p> <p>Guidelines for Design and Construction of Health Care Hospitals <del>[and Outpatient Facilities]</del>, <del>[2014 2018] Edition, Facilities Facility Guidelines Institute (formerly of the American Institute of Architects), Washington, D.C., 2010 Edition, [http://www.fgiguideines.org https://fgiguideines.org]</del></p> <p><del>[Guidelines for Design and Construction of Outpatient Facilities, 2018 Edition, Facility Guidelines Institute, Washington, D.C. https://fgiguideines.org]</del></p> <p><b>INTENT:</b> Update the regulations to be in compliance with the Code of Virginia.</p>   |

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|  |  |  | <p><b>RATIONALE:</b> Eliminate any conflicts between the Code of Virginia and the regulations</p> <p><b>LIKELY IMPACT:</b> Greater clarity of the regulatory chapter.</p> |
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