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HOUSE BILL NO. 2198

Offered January 13, 2025

Prefiled January 7, 2025

A *BILL to amend the Code of Virginia by adding in Chapter 5 of Title 32.1 an article numbered 7.2, consisting of sections numbered 32.1-162.15:1.1 through 32.1-162.15:1.5, relating to prescribed pediatric extended care centers; licensure; regulation.*

Patrons—McQuinn, Clark, Convirs-Fowler, Cousins, Feggans, Hayes, Henson, Jones, Keys-Gamarra, LeVere Bolling, Martinez, Mundon King, Seibold and Shin; Senators: Bagby, Boysko and Favola

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 32.1 an article numbered 7.2, consisting of sections 32.1-162.15:1.1 through 32.1-162.15:1.5, as follows:

Article 7.2.

Prescribed Pediatric Extended Care Center Licensing.

§ 32.1-162.15:1.1. Definitions.

For the purposes of this article, unless the context requires a different meaning:

"Center" means a prescribed pediatric extended care center.

"Parent" means the same as that term is defined in § 22.1-213.1.

§ 32.1-162.15:1.2. Licensure.

A. No person shall establish or operate a Center without a license issued by the Board pursuant to this article.

B. No license issued under this article shall be assignable or transferable.

C. The Board shall adopt regulations for the implementation of this article.

§ 32.1-162.15:1.3. Scope and duration of services; individualized plans of care.

A. A Center shall be a nonresidential health care service that provides a link in the continuum of care for medically dependent or technologically dependent children.

B. A Center shall provide services that promote and maintain the health and development of the children attending the Center and that assist with the training of the children's parents. Such services shall include:

- 1. Skilled nursing;*
- 2. Physical therapy;*
- 3. Occupational therapy;*
- 4. Speech therapy;*
- 5. Education;*
- 6. Provision of meals and snacks;*
- 7. Transportation; and*
- 8. Family education.*

C. No Center shall provide services other than those typically provided to medically dependent or technologically dependent children.

D. A Center shall develop an individualized plan of care for each child that attends the Center. Such plan shall be developed by the child's attending physician, the Center, any Center staff responsible for the child's care, a parent, and, when appropriate, the child.

E. No child shall attend a Center for more than 12 hours within a 24-hour period.

§ 32.1-162.15:1.4. Operation and management; staffing.

A. Each Center shall have an administrator who oversees the operation of the Center. Such administrator shall be a physician, an advance practice registered nurse, a nursing home administrator, a child day center director, or a registered nurse with at least five years of service in pediatric medicine.

B. Operation of the Center shall include:

1. Coordination of emergency transportation arrangements with the emergency medical services of the locality where the Center is located, including the provision of an adult staff member of the Center who accompanies any child who requires emergency transportation;

2. Creation of a documented preventative maintenance program that emphasizes ensuring that all durable medical equipment functions correctly and safely;

3. Maintenance of medical records, data, and information related to the children and programs in the Center for inspection by the Board;

4. Provision of appropriate and readily available emergency services that include (i) an emergency drug kit and (ii) a crash cart with a defibrillator appropriate for children;

- 58 5. *Creation of a written disaster plan that addresses natural disasters, weather emergencies, bomb*
59 *threats, emergency drills, manufactured disasters, and financial disasters;*
- 60 6. *Documentation of all incidents and accidents;*
- 61 7. *A process for reporting to the Board any incidents and accidents that affect the health, safety, or*
62 *welfare of a child; and*
- 63 8. *Coordination and collaboration with other agencies that may serve the child.*
- 64 C. *Each Center shall have a medical director who is responsible for basic and supportive services,*
65 *including medical, pharmaceutical, and nursing services. The medical director shall be responsible for the*
66 *prevention, reporting, and investigation of abuse; the delivery of medical and therapeutic services; the*
67 *control and delivery of pharmaceutical services; and infection control and for policies for prevention of*
68 *incidents and accidents. The medical director shall ensure compliance with any policies and procedures*
69 *developed by the Board.*
- 70 D. *Each Center shall employ:*
- 71 1. *A supervisor that holds a valid relevant professional license issued by the Board of Medicine, Board of*
72 *Nursing, Board of Pharmacy, Board of Physical Therapy, or Board of Audiology and Speech-Language*
73 *Pathology.*
- 74 2. *At least one direct care staff member who is qualified as a licensed professional nurse, registered*
75 *nurse, physical therapist, occupational therapist, or speech-language pathologist.*
- 76 E. *Each Center shall abide by the following applicable staffing ratio:*
- 77 1. *For a Center with fewer than 13 children, the Center shall be staffed by two registered nurses and two*
78 *other staff members.*
- 79 2. *For a Center with no less than 13 and no more than 18 children, the Center shall be staffed by two*
80 *registered nurses, one licensed practical nurse, and three other staff members.*
- 81 3. *For a Center with no less than 19 and no more than 24 children, the Center shall be staffed by two*
82 *registered nurses, two licensed practical nurses, and four other staff members.*
- 83 4. *For a Center with more than 24 children, the number of licensed practical nurses and other staff*
84 *members shall increase by one each for up to three additional children enrolled.*
- 85 **§ 32.1-162.15:1.5. Facilities and maintenance; regulations.**
- 86 A. *Each Center shall conform to or exceed the minimum standards for child day centers as specified by*
87 *the regulations of the Board of Education.*
- 88 B. *The Board shall adopt regulations for facility standards that prioritize:*
- 89 1. *The adoption and implementation of policies and procedures that ensure the health and safety of*
90 *children attending a Center;*
- 91 2. *Maintenance based upon the size of the facility and the number of children as related to plumbing,*
92 *heating, lighting, ventilation, and other applicable building conditions;*
- 93 3. *Sanitary conditions, including the water supply, sewage disposal, food handling, and general hygiene;*
94 *and*
- 94 4. *Any operational or transportation concerns specific to children attending a Center.*