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HOUSE BILL NO. 2597

Offered January 13, 2025

Prefiled January 13, 2025

A *BILL to amend and reenact § 63.2-1710 of the Code of Virginia, relating to provisional licenses for assisted living facilities, adult day centers, or child welfare agencies; appeals.*

Patrons—Rasoul and Clark

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1710 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1710. Appeal from refusal, denial of renewal, or revocation of license.

A. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license for an assisted living facility, adult day center, or child welfare agency operated by an agency of the Commonwealth, the provisions of § 63.2-1710.2 shall apply. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license for an assisted living facility, adult day center, or child welfare agency other than an assisted living facility, adult day center, or child welfare agency operated by an agency of the Commonwealth, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Commissioner's intent to refuse to issue or renew, or revoke a license shall be received in writing from the assisted living facility, adult day center or child welfare agency operator within 15 days of the date of receipt of the notice. Judicial review of a final review agency decision shall be in accordance with the provisions of the Administrative Process Act. No stay may be granted upon appeal to the Court of Appeals.

B. In every appeal to a court of record, the Commissioner shall be named defendant.

C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license.

D. When issuance or renewal of a license as an assisted living facility or adult day center has been refused by the Commissioner, the applicant shall not thereafter for a period of one year apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the one-year period shall be extended until a final decision has been rendered on appeal.

E. When issuance or renewal of a license for a child welfare agency has been refused by the Commissioner, the applicant shall not thereafter for a period of six months apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period shall be extended until a final decision has been rendered on appeal.

F. *The denial of the issuance of a provisional license pursuant to § 63.2-1707 shall not be subject to appeal under the provisions of this section, § 63.2-1710.2, or the Administrative Process Act (§ 2.2-4000 et seq.).*

INTRODUCED

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