

1 SENATE BILL NO. 937
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the Senate Committee on Rehabilitation and Social Services
 4 on _____)
 5 (Patron Prior to Substitute—Senator Craig)

6 *A BILL to amend and reenact § 63.2-1707 of the Code of Virginia, relating to Department of Social Services;*
 7 *Administrative Process Act; issuance of provisional licenses; exemption from appeal.*

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

9 **1. That § 63.2-1707 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 63.2-1707. Issuance or refusal of license; notification; provisional and conditional licenses.**

11 A. Upon completion of his investigation, the Commissioner shall issue an appropriate license to the
 12 applicant if (i) the applicant has made adequate provision for such activities, services, and facilities as are
 13 reasonably conducive to the welfare of the residents, participants, or children over whom he may have
 14 custody or control; (ii) at the time of initial application, the applicant has submitted an operating budget and
 15 at least one credit reference; (iii) he is, or the officers and agents of the applicant if it is an association,
 16 partnership, limited liability company, or corporation are, of good character and reputation; and (iv) the
 17 applicant and agents comply with the provisions of this subtitle. Otherwise, the license shall be denied.
 18 Immediately upon taking final action, the Commissioner shall notify the applicant of such action.

19 B. Upon completion of the investigation for the renewal of a license, the Commissioner may issue a
 20 provisional license to any applicant if the applicant is temporarily unable to comply with all of the licensure
 21 requirements. The provisional license may be renewed, but the issuance of a provisional license and any
 22 renewals thereof shall be for no longer a period than 12 successive months. A copy of the provisional license
 23 shall be prominently displayed by the provider at each public entrance of the subject facility and shall be
 24 printed in a clear and legible size and style. In addition, the facility shall be required to prominently display
 25 next to the posted provisional license a notice that a description of specific violations of licensing standards to
 26 be corrected and the deadline for completion of such corrections is available for inspection at the facility and
 27 on the facility's website, if applicable. *The issuance of a provisional license to an assisted living facility or*
 28 *adult day center, as such terms are defined in § 63.2-100, shall not be considered a case decision of the*
 29 *Commissioner and shall not be subject to judicial review under the provisions of the Administrative Process*
 30 *Act (§ 2.2-4000 et seq.).*

31 C. At the discretion of the Commissioner, a conditional license may be issued to an applicant to operate a
32 new facility in order to permit the applicant to demonstrate compliance with licensure requirements. Such
33 conditional license may be renewed, but the issuance of a conditional license and any renewals thereof shall
34 be for no longer a period than six successive months.