



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12 VAC5-371
Regulation title	Rules and Regulations for the Licensure of Nursing Facilities
Action title	Update of the nursing facility building/construction regulations
Final agency action date	April 23, 2010
Document preparation date	May 18, 2010

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.

Chapter 177 of the 2005 Acts of Assembly requires that the physical plant standards for nursing facilities be consistent with the current edition of the "Guidelines for Design and Construction of Hospital and Health Care Facilities" (Guideline) of the Facilities Guideline Institute (FGI), formerly of the American Institute of Architects. Therefore, the department is amending the *Rules and Regulations for the Licensure of Nursing Facilities* (12 VAC 5-371) pursuant to § 2.2-4006 A 4a of the Code of Virginia (Code). The 2010 edition of the Guideline was released January 2010. This regulatory action adopts the 2010 edition of the Guideline as required by the 2005 legislation. The requirements of the Uniform Statewide Building Code (USBC) of the Department of Housing and Community Development, as mandated by § 36-98 of the Code, and local zoning and building ordinances shall take precedence.

The department believes that it still meets its mandated obligation under § 32.1-127 of the Code to assure the “environmental protection and life safety of patients and employees and public” by incorporating by reference the USBC and the FGI Guideline.

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.

The Board of Health approved, and adopted, this non-discretionary action at its April 23, 2010, meeting.

Family impact

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

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