

Virginia Department of Health
Office of Licensure and Certification

November 20, 2006

Electronic Submission of Certificate of Public Need Request Material

PURPOSE: To provide guidance to potential applicants for, applicants for and holders of certificates of public need, the Regional Health Planning Agencies and the Division of Certificate of Public Need for consistency in the administration of the transmission and receipt of documents and other materials related to the Certificate of Public Need program.

Effective Date: December 1, 2006

Introduction

The Code of Virginia at §32.1–102, and the Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations, 12VAC5-220, establish the process for the application for certificates of public need and their review. The Code of Virginia, at §32.1–102.6.A., requires that an application for a certificate of public need be transmitted by certified mail or by a delivery service, return receipt requested, or by hand, with a signed receipt. The Code of Virginia further establishes deadlines for the submission of various elements for review. The Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations provide further direction in defining the various elements required for the review process and when they are due.

Other than the specific directions in the Code of Virginia for the submission of the application itself no discussion is made in the Code of Virginia or the Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations in regards to the manner in which the various elements for review are to be transmitted. Currently, submissions are made as hardcopy paper and are transmitted by U.S. Mail or other carrier, hand delivered or transmitted by fax. In response to public interest in having the option to submit applications electronically, either on a compact disk, by fax or by email this procedure has been developed to establish standards for the formatting of files and the methods for transmission of those files.

The method of transmission, paper or electronic, is at the applicant's discretion. It is preferred that applicant's adopt one method of transmission, either paper or electronic, and submit the majority, if not all, of the application material using the selected method. Applicants are welcome to submit duplicate copies of documents in *.doc and *.xls in addition to submissions made per this guidance document.

Definitions

“CD” means compact disk data storage media.

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“COPN” means a certificate of public need.

“DCOPN” means the Division of Certificate of Public Need of the Virginia Department of Health.

“Fax” means a facsimile document transmitted over the telephone lines.

“Regulations” means the Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.

“RHPA” means regional health planning agency.

General Rules

1. Applications
 - a. Applications can be submitted, at the applicant’s discretion:
 - i. As paper documents, two copies to the DCOPN and one copy to the appropriate RHPA.
 1. This submission type is as currently practiced, with receipt deadlines and delivery method as established in the Code of Virginia at Va Code, §32.1-102.6.A and the Regulations at 12VAC5-220-180.C.
 2. Applications for nursing home projects will also follow the deadlines established in the Regulations at 12VAC5-220-355.
 - ii. On CD, one CD to DCOPN and one CD to the RHPA.
 1. Applications saved to CD must be in pdf format and must include signatures.
 - a. Architectural drawings can be submitted either as a supplemental paper document or as a *.dwg file.
 - b. Architectural drawings submitted in *.dwg format should include only the floor plan layer for the relevant spaces.
 2. Each CD must be labeled with the COPN Request Number, the Applicant’s name and the project title.
 3. Delivery deadlines and delivery method for CDs with applications must meet the requirements at Va Code, §32.1-102.6.A and the Regulations at 12VAC5-220-180.C.
 - a. As multiple copies, either electronic or paper, can be produced from a single CD the submission of a single CD to the DCOPN will be considered to be compliant with the Regulation requirement at 12VAC5-220-180.C to provide two copies of the application to the DCOPN.
 - b. Applications for nursing home projects will also follow the deadlines established in the Regulations at 12VAC5-220-355.

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4. Responsibility for the readable production of a CD is the responsibility of the applicant. The DCOPN and the RHPAs will maintain CD drives and software to read *.pdf and *.dwg format files from CD.
 - a. Files that will not open, are damaged or otherwise corrupted upon submission will not be considered to have been valid submissions.
 - b. DCOPN and/or the RHPA will notify the applicant immediately when a file that will not open, is damaged or otherwise corrupted is discovered.
 - c. Applicants will have until close of business on the deadline day to submit a replacement for a file that will not open, is damaged or otherwise corrupted.

 - b. A check for application fees will need to be received by the DCOPN not later than the date set for acceptance of an application for review.
2. Letters of Intent and Supporting Documents
- a. Letters of intent and all supporting documents, including responses to completeness review questions, may be submitted:
 - i. As paper documents, two copies to the DCOPN and one copy to the appropriate RHPA.
 - ii. On CD, one copy to DCOPN and one copy to the RHPA.
 1. Documents saved to CD must be in *.pdf format and must include signatures if appropriate to the document.
 - a. Architectural drawings can be submitted either as a supplemental paper document or as a *.dwg file.
 - b. Architectural drawings submitted in *.dwg format should include only the floor plan layer for the relevant spaces.
 2. Each CD must be labeled with the COPN Request Number, the Applicant's name and the project title, except CDs transmitting LOIs will be labeled with the Applicant's name, the project title and a notation that the document is an LOI.
 3. Delivery deadlines for CDs must meet the requirements of the Code of Virginia and the Regulations.
 - a. As multiple copies, either electronic or paper, can be produced from a single CD the submission of a single CD to the DCOPN will be considered to be compliant with the requirement to provide two copies to the DCOPN.
 - b. Applications for nursing home projects will also follow the deadlines established in the Regulations at 12VAC5-220-355.

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4. Responsibility for the readable production of a CD is the responsibility of the applicant. The DCOPN and the RHPAs will maintain CD drives and software to read *.pdf and *.dwg format files from CD.
 - a. Files that will not open, are damaged or otherwise corrupted upon submission will not be considered to have been valid submissions.
 - b. DCOPN and/or the RHPA will notify the applicant immediately when a file that will not open, is damaged or otherwise corrupted is discovered.
 - c. Applicants will have until close of business on the deadline day to submit a replacement for a file that will not open, is damaged or otherwise corrupted.

- iii. By email to the RHPA at their individual address' and to DCOPN at COPN@VDH.Virginia.Gov.
 1. Emailed documents are to be sent as attachments to the transmitting email, not imbedded within the email.
 2. Attached documents must be in *.pdf format, and must include signatures if appropriate to the document.
 - a. Architectural drawings can be submitted either as a supplemental paper document or as a *.dwg file.
 - b. Architectural drawings submitted in *.dwg format should include only the floor plan layer for the relevant spaces.
 3. The naming convention for the files should follow the format of <COPNRequestNumber.ApplicantName.documanttype.pdf>.
 - a. Examples of document type: LOI (Letter of Intent), Letter of Support, completeness responses, etc...
 - b. LOIs omit the COPN Request Number in the naming convention.
 4. Emails transmitting documents for the record must include the COPN Request number in the "Subject" line of the email, LOIs would just include the applicant name and a notation that the transmitted document is an LOI in the subject line.
 5. Delivery deadlines for emailed documents must meet the requirements in the Code of Virginia and the Regulations.
 - a. As multiple copies, either electronic or paper, can be produced from a single email the submission of a single email to the DCOPN will be considered to be compliant with the requirement to provide two copies to the DCOPN.
 - b. Date and time of submission will be recorded as indicted on the receiving agency's computer.
 - i. Close of business for email submission of documents is 5:00 pm Richmond local time.
 - ii. Emailed documents received after 5:00 pm Richmond local time will be credited to having been received the next business day.

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- iii. The DCOPN and RHPA will acknowledge, by “Reply All” email, receipt of all emails transmitting documents for the record.
 - 1. the date and time recorded will be included in the acknowledgement email for all time sensitive submissions (LOIs, completeness responses, anything with a deadline).
 - 2. this replay email does not imply receipt of a readable or undamaged file, it simply acknowledges receipt of the transmission.
- 6. The applicant is responsible for the readable production of an emailed document. The DCOPN and the RHPAs will maintain the software to download and read *.pdf and *.dwg format files from email.
 - a. Files that will not open, are damaged or otherwise corrupted upon submission will not be considered to have been valid submissions.
 - b. DCOPN and/or the RHPA will notify the applicant immediately when a file that will not open, is damaged or otherwise corrupted is discovered.
 - c. Applicants will have until close of business on the deadline day to submit a replacement for a file that will not open, is damaged or otherwise corrupted.
- b. Documents sent by Fax are considered to be paper submissions.
 - i. Faxed documents should be limited to documents not greater than 10 pages in length.
 - ii. The date and time of submission of faxed documents will be recorded as indicted by the receiving agency’s fax machine.
 - 1. Close of business for fax submission of documents is 5:00 pm Richmond local time.
 - 2. Faxed documents received after 5:00 pm Richmond local time will be credited to having been received the next business day.
 - iii. The applicant is responsible for the readable production of a faxed document. The DCOPN and the RHPAs will maintain the equipment to receive faxed documents.
 - 1. Faxes that are not readable upon submission will not be considered to have been valid submissions.
 - 2. DCOPN and/or the RHPA will notify the applicant immediately when a fax that is unreadable is discovered.
 - 3. Applicants will have until close of business on the deadline day to submit a replacement for a fax that is unreadable.