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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12 VAC5-371
VAC Chapter title(s)	Regulation for Licensure of Nursing Facilities
Action title	Promulgation of New Regulation to Implement Chapters 323, 505, and 944 of the 2026 Acts of Assembly
Final agency action date	September 9, 2026
Date this document prepared	29 June 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapters 323, 505, and 944 of the 2026 Acts of Assembly authorize the State Health Commissioner to implement regulations concerning oversight and accountability, financial controls, and resident safety on nursing homes licensed in Virginia pursuant to the laws regulating medical care facilities and services. The Board of Health is required by Chapters 323, 505, and 944 of the 2026 Acts of Assembly to promulgate regulations implementing the provisions of the act.

Chapters 323, 505, and 944 of the 2026 Acts of Assembly require licensed nursing facilities to purchase an insurance policy with a two-year reporting endorsement extension. Additionally, licensed nursing facilities are required to have and maintain an Automated External Defibrillator (AED) and have staff trained to use the AED. Lastly, licensed nursing facilities are required to perform comprehensive

assessments of residents that are in line with the federal physician visit schedule and that have certain state-mandated criteria.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The State Board of Health is mandated by the provisions of Chapters 323, 505, and 944 of the 2026 Acts of Assembly. The impetus for this change is Chapters 323, 505, and 944 of the 2026 Acts of Assembly.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

The State Health Commissioner approved this Final Action regarding the Regulations for the Licensure of Hospitals in Virginia, on behalf of the State Board of Health while the board was not in session on September 9, 2026.