



COMMONWEALTH of VIRGINIA
Department of Health

PO BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

March 24, 2020

Hospitals and Nursing Homes

RE: Implementation of Executive Order 52, Increases in bed capacity in response to novel coronavirus (COVID-19)

Dear Administrator,

On 20 March 2020 Governor Northam signed Executive Order 52 (EO 52) providing that notwithstanding the provisions of Article 1.1 of Chapter 4 of Title 32.1 of the *Code of Virginia* the State Health Commissioner (Commissioner), at his discretion, may authorize any general hospital or nursing home to increase licensed bed capacity as determined necessary by the Commissioner to respond to increased demand for beds resulting from COVID-19. Such beds authorized by the Commissioner under EO 52 would, notwithstanding Virginia Code § 32.1-132, constitute licensed beds that do not require further approval or the issuance of a new license.

Not all requests for additional licensed beds will necessarily warrant approval, so a decision framework is critical to rapid, informed and appropriate decision making. Therefore I am writing to inform you of the process and criteria I intend to employ in making decisions regarding the addition of licensed beds requested under EO 52.

If you need to add licensed bed capacity to respond to a reasonably anticipated shortage in bed capacity, the Executive Officer of your facility should send a letter requesting authorization to add the beds under the authority of EO 52. Requests are to be emailed to: COPN@VDH.Virginia.gov, or mailed to Division of Certificate of Public Need, 9960 Mayland Drive, Suite 401, Henrico, Virginia 23233. Each request should provide:

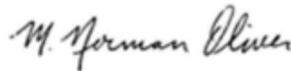
- the name and address of the specific facility requesting the additional beds,
- how many additional licensed beds are requested,
- the breakdown of requested beds by type (e.g., med/surg, ICU, long term care, etc.),
- specifically where the additional licensed beds will be located and if the proposed space currently meets life safety code requirements for the type of patients or residents expected to occupy the space; and if not, what will be done to meet life safety code requirements for the space,
- the planned use of the additional licensed beds (e.g., used to supplement normal operations due to existing bed occupancy by COVID-19 patients, or specifically for COVID-19 patients), and
- the plan for staffing the beds.

The Division of Certificate of Public Need (DCOPN) will immediately evaluate each request and provide a brief analysis and recommendation to me. I will evaluate individual requests for additional bed capacity on a case by case basis, considering the following factors;

- ongoing efforts to increase the availability of existing beds, such as suspension of elective procedures,
- the availability of professional and ancillary staff to provide care in the additional beds,
- the availability of medical supplies and personal protection equipment in the facility,
- the specific plan for increasing bed capacity,
- where the beds will be located and the life safety code considerations of the location,
- the availability of beds at other community hospitals and nursing homes in the community,
- other alternatives to adding bed capacity, and
- the current state of COVID-19 in the community.

I will communicate my decision by letter as soon as is practical. All authorizations will include a time limitation for the increase in the number of beds of not later than 30 days after the expiration or termination of the Declaration of a State of Emergency Due to Novel Coronavirus (COVID-19) as declared in Executive Order Number 51, as it may be amended. If you have any questions regarding the addition of licensed beds please contact Robert Payne, Director of the Office of Licensure and Certification at Robert.Payne@VDH.Virginia.gov, or by telephone at (804)367-2102.

Sincerely,



M. Norman Oliver, MD, MA
State Health Commissioner

cc: Allyson Tysinger, Senior Assistant Attorney General, Commonwealth of Virginia
Robert Payne, Director Office of Licensure and Certification
Erik Bodin, Director, Division of Certificate of Public Need
Dean Montgomery, Executive Director, Health Systems Agency of Northern Virginia