12 VAC 5-371-30. License.

...C. A separate license shall be required for nursing facilities maintained on separate premises, even though they are owned or are operated under the same management.

D. Every nursing facility shall be designated by a permanent and appropriate name. The name shall not be changed without first notifying the OLC.

...F. Nursing facility units located in and operated by hospitals shall be licensed under Regulations for the Licensure of Hospitals in Virginia (12 VAC 5-410-10). Approval for such units shall be included on the annual license issued to each hospital.


A. No person shall own, establish, conduct, maintain, manage, or operate any nursing facility, as defined in '32.1-123 of the Code of Virginia, without having obtained a license.

B. The nursing facility must comply with:
   1. These regulations (12 VAC 5-371-10);
   2. Other applicable federal, state or local laws and regulations; and
   3. Its own policies and procedures.

C. The nursing facility shall submit, or make available, reports and information necessary to establish compliance with these regulations and applicable statutes.

D. The nursing facility shall submit, in a timely manner as determined by the center, and implement a written plan of action to correct any noncompliance with these regulations identified during an inspection. The plan shall include:
   1. Description of the corrective action or actions to be taken;
   2. Date of completion for each action; and
   3. Signature of the person responsible for the operation.

E. The nursing facility shall permit representatives from the OLC to conduct inspections to:
   1. Verify application information;
   2. Determine compliance with this chapter;
   3. Review necessary records; and
   4. Investigate complaints.

F. The current license from the department shall be posted in a place clearly visible to the general public.

G. The nursing facility shall not operate more resident beds than the number for which it is licensed.
H. The nursing facility shall fully disclose its admission policies, including any preferences given, to applicants for admission.

I. The nursing facility shall identify its operating elements and programs, the internal relationship among these elements and programs, and the management or leadership structure.

12 VAC 5-371-120. Governing body.

A. The nursing facility shall have a governing body that is legally responsible for the management of the operation.

B. The governing body shall adopt written bylaws that describe the organizational structure and establish authority and responsibility in accordance with applicable laws, including a:

1. Statement of purpose;
2. Description of the functions of the governing body members, officers and committees;
3. Description of the method of adoption, implementation, and periodic review of policies and procedures; and
4. Description of the methods to be utilized to assure compliance with this chapter.

D. When the governing body is not the owner of the physical plant, the governing body shall disclose the name and address of the individual or entity responsible for the alterations, modifications, maintenance and repairs to the building.

E. The governing body shall notify the OLC in writing 30 days in advance of changes affecting the accuracy of the license. Changes affecting the accuracy of the license are:

1. Any proposed change in management contract or lease agreement to operate the nursing facility;
2. Implementing any proposed addition, deletion, or change in nursing facility services whether or not licensure is required;
3. Selling the facility; or
4. A change in ownership.

12 VAC 5-371-130. Administrator.

A. The governing body shall appoint an individual, on a full time basis, to serve as its onsite agent, responsible for the day-to-day administration and management.

B. The governing body shall provide the center with evidence that the individual appointed as administrator is:

1. Currently licensed by the Virginia Board of Long Term Care Administrators; or
2. Holds a current administrator's license in another state and has filed an application for license with the Virginia Board of Long Term Care Administrators.

C. Within five working days of the effective date of termination of the administrator's employment, the governing body shall notify the OLC, in writing, of the name and qualifications of the replacement administrator of record or the acting administrator.

D. The governing body shall appoint a qualified administrator within 90 days of the effective date of the termination of the previously qualified administrator, and shall provide the OLC with written
notification of the administrator's name, license number, and effective date of employment. An additional 30-day extension may be granted if a written request provides documentation that the individual designated as administrator is awaiting the final licensing decision of the Virginia Board of Long Term Care Administrators.

E. The governing body shall assure that administrative direction is provided at all times. The governing body, the administrator, or the chief executive officer shall designate, in writing, a qualified individual to act as the alternate nursing home administrator in the absence of the administrator of record.

12 VAC 5-371-140. Policies and procedures.

A. The nursing facility shall implement written policies and procedures approved by the governing body.

B. All policies and procedures shall be reviewed at least annually, with recommended changes submitted to the governing body for approval.

C. A written record of the annual policy review, including at least the review dates, participants, recommendations and action dates of the governing body, shall be maintained.

D. Administrative and operational policies and procedures shall include, but are not limited to:

1. Administrative records;
2. Admission, transfer and discharge;
3. Medical direction and physician services;
4. Nursing direction and nursing services;
5. Pharmaceutical services, including drugs purchased outside the nursing facility;
6. Dietary services;
7. Social services;
8. Activities services;
9. Restorative and rehabilitative resident services;
10. Contractual services;
11. Clinical records;
12. Resident rights and grievances;
13. Quality assurance and infection control;
14. Safety and emergency preparedness procedures; and
15. Professional and clinical ethics, including:
   a. Confidentiality of resident information;
   b. Truthful communication with residents;
   c. Observance of appropriate standards of informed consent and refusal of treatment; and
   d. Preservation of resident dignity, with special attention to the needs of the aged, the cognitively impaired, and the dying.

E. Personnel policies and procedures shall include, but are not limited to:
1. Written job descriptions that specify authority, responsibility, and qualifications for each job classification;

2. An on-going plan for employee orientation, staff development, in-service training and continuing education;

3. An accurate and complete personnel record for each employee including:
   a. Verification of current professional license, registration, or certificate or completion of a required approved training course;
   b. Criminal record check;
   c. Verification that the employee has reviewed or received a copy of the job description;
   d. Orientation to the nursing facility, its policies and to the position and duties assigned;
   e. Completed continuing education program approved for the employee as determined by the outcome of the annual performance evaluation;
   f. Annual employee performance evaluations; and
   g. Disciplinary action taken.

4. Employee health-related information retained in a file separate from personnel files.

F. Financial policies and procedures shall include, but not be limited to:

   1. Admission agreements;

   2. Methods of billing:

      a. Services not included in the basic daily or monthly rate;
      b. Services delivered by contractors of the nursing facility; and
      c. Third party payers;

   3. Resident or designated representative notification of changes in fees and charges;

   4. Correction of billing errors and refund policy;

   5. Collection of delinquent resident accounts; and

   6. Handling of resident funds.

G. Policies shall be made available for review, upon request, to residents and their designated representatives.

H. Policies and procedures shall be readily available for staff use at all times.