



COMMONWEALTH of VIRGINIA

Department of Health
P O BOX 2448
RICHMOND, VA 23218

M. Norman Oliver, MD, MA
State Health Commissioner

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

April 13, 2020

Mr. Nicholas C. Conte
Office of Corporate Counsel
Carilion Clinic
213 South Jefferson Street, Suite 1600
Roanoke, VA 24011

**RE: Carilion Stonewall Jackson Hospital
Carilion Franklin Memorial Hospital
Temporary Variance Requests**

Dear Mr. Conte:

I am writing in response to your letters requesting approval of a temporary variance to the *Regulations for the Licensure of Hospitals in Virginia*, 12VAC5-410-10 *et seq.* 12VAC5-410-30 allows a temporary variance to the enforcement of specific provisions of the regulations “would be clearly impractical... provided that safety and patient care and services are not adversely affected.”

Carilion Stonewall Jackson Hospital (CSJH) is an inpatient hospital that has requested to add hospital beds pursuant to Executive Order 52, which will be located in the medical/surgical unit, the Anesthesia Care Unit, and the Sleep Center. Carilion Franklin Memorial Hospital (“CFMH”) is an inpatient hospital that has requested to add hospital beds pursuant to Executive Order 52, which will be located in the post-anesthesia care unit (PACU). Under 12VAC5-410-650, hospitals must conform to state and local codes, zoning and building ordinances, and the Uniform Statewide Building Code, as well as hospital design and construction guidelines issued by the Facility Guidelines Institute (formerly the American Institute of Architects Academy of Architecture for Health).

I am authorizing a temporary variance to 12VAC5-410-650 for CSJH’s medical/surgical unit, the Anesthesia Care Unit, and the Sleep Center and to CFMH’s PACU because I find the standard in 12VAC5-410-30 is met. Requiring these areas be retrofitted to meet the standards of 12VAC5-410-650 during the COVID-19 pandemic is clearly impractical. A temporary variance to 12VAC5-410-650 for CSJH’s medical/surgical unit, the Anesthesia Care Unit, and the Sleep

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Center and for CFMH's PACU would not adversely affect safety and patient care and services. This temporary variance will be effective as of April 13, 2020, and will expire 30 days after the expiration of rescission of Executive Order 51, as it may be amended. When this temporary variance expires, routine enforcement of the standard or requirement to which the temporary variance was granted shall be resumed.

If you need further assistance or have questions about this variance, please contact Mr. Robert A. K. Payne, JD, Director, Office of Licensure and Certification, by telephone at (804) 367-2102 or by email at Robert.Payne@vdh.virginia.gov.

Sincerely,

DocuSigned by:

M. Norman Oliver, MD

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M. Norman Oliver, MD, MA
State Health Commissioner

cc: Allyson Tysinger, Senior Assistant Attorney General, Commonwealth of Virginia
Robert A. K. Payne, JD, Director, Office of Licensure and Certification
Deborah K. Waite, Operations Manager, Virginia Health Information
Kerry Gateley, MD, MPH, CPE, Director, West Piedmont Health District
Laura P. Kornegay, MD, MPH, Acting Director, Roanoke City Health District