

# **VIRGINIA DEPARTMENT OF HEALTH**

## **Office of Licensure and Certification**

### **Staff Analysis**

April 3, 2020

#### **Virginia Commonwealth University Health Community Memorial Hospital (3/26/2020)**

South Hill, Virginia

Temporarily add 130 Beds at the former Community Memorial Hospital facility

#### **Applicant**

VCU Health Community Memorial Hospital (CMH) is a Virginia non-stock, not-for-profit corporation located in South Hill (Mecklenburg County), Virginia, Planning District (PD) 13, Health Planning Region (HPR) IV. CMH is a wholly-owned subsidiary corporation of VCU Health Systems Authority. Mecklenburg County, together with Brunswick and Halifax counties, comprise Virginia Planning District (PD) 13 within Health Planning Region (HPR) IV.

#### **Background**

On March 12, 2020, Governor Ralph Northam declared a state of emergency throughout Virginia in response to the coronavirus pandemic. Subsequent to this declared state of emergency, on March 20, 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. At the time of this writing, the Virginia Department of Health reports that Virginia has 2,012 cases of COVID-19, the illness caused by the virus, and 46 deaths.<sup>1</sup>

In 2014, CMH received certificate of public need (COPN) No. VA-04457 authorizing it to establish a 70-bed general acute care hospital through the replacement and relocation of the existing 99-bed Community Memorial Hospital. The former site was abandoned in 2017, upon completion of the replacement hospital. According to the 2018 data provided by Virginia Health Information (VHI), CMH is licensed for 70 licensed beds.

#### **Request**

CMH cites an emergent need to expand bed capacity due to the sudden and overwhelming increase in acute care cases resulting from COVID-19 infection. Specifically, CMH requests

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<sup>1</sup> <http://www.vdh.virginia.gov/coronavirus/>

authorization to add 130 beds at its former hospital facility located at 1755 North Mecklenburg Avenue, South Hill, Virginia. CMH contends that the additional licensed beds will be used to supplement the current hospital's existing bed capacity in the event of a surge related to COVID-19 patients.

### **Considerations**

In determining whether a need exists for the requested additional bed capacity, the State Health Commissioner established the following factors for consideration, when applicable.

**1. Ongoing efforts to increase the availability of existing beds, such as suspension of elective procedures:**

CMH has made assurances that, in an effort to free up existing capacity, and in compliance with the 25 March 2020 Order of Public Health Emergency 2, they have suspended all elective procedures that, if delayed, are not anticipated to cause harm to the patient with exceptions.

**2. The availability of professional and ancillary staff to provide care in the additional beds:**

CMH contends that they are actively planning to meet the staffing needs for the requested beds. CMH, like other health providers throughout the country, has significantly reduced operating room cases, elective ambulatory procedures, and clinic services to preserve personal protective equipment and meet the social distancing safeguards required to best contain the spread of COVID-19. As a result, CMH is planning to re-deploy significant ambulatory and perioperative services personnel to support the requested additional beds to meet surge capacity and patient demands. In addition, CMH has contended that they may draw on support from community providers and clinicians in and around South Hill.

**3. The availability of medical supplies and personal protection equipment in the facility:**

CMH has made assurances that it has sufficient access to available medical supplies and personal protection equipment in the facility. The VDMAC has suggested moving toward the adoption of crisis standards of care to, in part, preserve available supplies.

**4. The specific plan for increasing bed capacity:**

CMH is prepared to add 130 beds to its former hospital facility located at 125 Buena Vista Circle, South Hill, Virginia. CMH currently projects that up to 120 beds will be operated as medical/surgical beds, and up to 10 additional beds will be operated as intensive care beds.

**5. Where the beds will be located and the life safety code considerations of the location:**

CMH is prepared to add 130 beds to its former hospital facility. The former site was abandoned in 2017, upon completion of the replacement hospital. However, CMH contends that the facility has continued to be maintained, and that there are no life safety code issues in

the areas that would serve inpatients. Therefore the space meets life safety code requirements for the type of patients or residents expected to occupy the space.

**6. The availability of beds at other community hospitals and nursing homes in the community:**

Per the 2018 data provided by VHI, there are 262 licensed inpatient beds in PD 13. However, the overall bed capacity data does not inherently take into account the extent to which, due to the rapid rate of infection of COVID-19, how many new cases may arise, and thereby overwhelm CMH's capacity to treat patients, thereby jeopardizing the quality of care for residents of PD 13, and limit the ability of health care providers adequately treat and limit the spread of the virus. This risk is exacerbated by the fact that CMH is one of only two acute care hospitals in all of PD 13. CMH's proposal increases their bed capacity by 185% and is a 50% increase in bed capacity in the planning district.

**7. Other alternatives to adding bed capacity:**

As discussed, given that the applicant has already provided assurances that they have suspended all of elective procedures, and given the relatively low number of beds in the Planning District, as well as the difficulty in anticipating how many cases of COVID-19 may arise in PD 13, there are no alternatives to the proposed project.

**8. The current state of COVID-19 in the community:**

As previously discussed, at the time of this writing, the Virginia Department of Health reports that Virginia has 2,012 positive cases of COVID-19, the illness caused by the virus, and 46 deaths.<sup>2</sup> The area covered by the Southside Health District, consisting of the Counties of Halifax, Brunswick and Mecklenburg, have reported 9 positive COVID-19 patients.

**Other:**

Virginia licensing regulations for general hospitals require a separate license for each hospital maintained on separate premises even when operated under the same management (Virginia Regulations for the Licensure of Hospitals, 12VAC5-410-60.A). CMH proposes to include the beds added at the former hospital site under the general hospital license of CMH, located off the main CMH campus. Governor Northam's March 20, 2020 EO 52 provides that notwithstanding Virginia Code § 32.1-132, beds added under the authority of EO 52 constitute licensed beds that do not require further approval or the issuance of a new license. The requested beds can be included under the current CMH license.

**DCOPN Findings and Conclusions**

CMH proposes to temporarily add 130 beds at its former hospital facility. CMH currently projects that up to 120 beds will be operated as medical/surgical, and up to 10 beds will be operated as ICU beds. DCOPN finds that, due to the sudden and overwhelming increase in acute care cases resulting

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<sup>2</sup> <http://www.vdh.virginia.gov/coronavirus/>

from COVID-19 infection throughout the Commonwealth, that CMH has an immediate need to temporarily add 130 beds. CMH has demonstrated that the rapid rise in COVID-19 cases has created an emergent need for a temporary increase in bed capacity. In the absence of a temporary increase to bed capacity in the planning district, it is conceivable that the continued rise of COVID-19 cases could overwhelm the hospital's capacity to treat patients, thereby jeopardizing the quality of care for residents of PD 13, and limit the ability of health care providers adequately treat and limit the spread of the virus.

### **DCOPN Staff Recommendations**

The Division of Certificate of Public Need recommends the **approval** of Virginia Commonwealth University Health Community Memorial Hospital's request to temporarily add licensed 130 beds. This authorization for additional bed capacity is contingent upon CMH's newly designated space's compliance with all Life Safety Code requirements. DCOPN's recommendation is based on the following findings.

1. CMH has demonstrated that, due to the reasonable expectation of a sudden and overwhelming increase in acute care patients resulting from COVID-19 infection, CMH has an immediate need to temporarily add 130 licensed inpatient beds.
2. CMH's plan for training and shifting ambulatory staff is a reasonable solution for staffing the additional beds.
3. CMH's plan and ability to obtain equipment and supplies is reasonable within the confines of the current crisis.
4. CMH's plan to introduce bed capacity in a previously Joint-Commission accredited space assures patient safety is maintained from a fire and life safety code perspective.