

VIRGINIA DEPARTMENT OF HEALTH

Office of Licensure and Certification

Staff Analysis

3 April 2020

Virginia Commonwealth University Health Systems Authority (3/26/2020)

VCU Honors College

Richmond, Virginia

Temporarily add 180 Beds at VCU Honors College

Applicant

The Virginia Commonwealth University Health Systems Authority (VCUHS), doing business as VCU Medical Center (VCUMC), is a public body and political subdivision of the Commonwealth of Virginia, governed by the Virginia Commonwealth University Health System Authority Act of 1996-Title 23, Chapter 6.2, §23-50.16:1 of the Code of Virginia. Subsidiaries of the applicant include MCV Associated Physicians, Crippled Children's Hospital, Community Memorial Hospital, University Health Services, Inc., UHS Professional Education Programs, Inc., Virginia Premier Health Plan, Inc., and Rehab JV, LLC. VCUMC is located in Planning District (PD) 15, 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 1,025 "presumptive positive" cases of COVID-19, the illness caused by the virus, and 25 deaths.¹ To date, the Centers for Disease Control and Prevention has confirmed 239,279 cases in the United States. VCU Honors College, which was previously Richmond Metropolitan Hospital and then Capitol Medical Center, was closed in or about 2001, and is now a student dormitory on the Virginia Commonwealth University campus.

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

In 2018, the last year for available Virginia Health Information data, VCUMC's average occupancy was 81.2%, meaning that during average operations there were 146 vacant beds. VCUMC is taking all reasonable efforts to reduce inpatient census to free beds to respond to the COVID-19 crisis, including complying with the 25 March 2020 Order of Public Health Emergency 2. While current census at VCUMC is not known it is expected that it is considerably lower than the 633 average during normal operations.

Request

VCUHS 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, VCUHS requests authorization to temporarily convert its Honors College dormitory located at 701 Grace Street in Richmond, Virginia into a medical care facility and add 180 beds under the VCUMC license. VCUHS contends that the building is an ideal location to add inpatient beds because (1) it currently vacant due to VCU's suspension of in-person classes and on-campus housing; and (2) the dormitory was previously operated as a Joint-Commission accredited inpatient hospital. VCUMC will add approximately 35 beds on each of five floors in the Honors College dormitory. VCUHS' request for additional bed capacity arrives in conjunction with a request to waive the requirements of 12VAC5-401-60A, which would otherwise necessitate a separate license.

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:

VCUHS 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 and as provided below.

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

VCUMC has made assurances that it has the necessary professional staff to provide care in the additional beds. VCUMC, like other health systems throughout the country, has significantly reduced operating room cases, elective ambulatory procedures, and clinic services to comply with Governor Northam and Dr. Oliver's 25 March 2020 Order of Public Health Emergency 2, to preserve personal protective equipment and meet the social distancing safeguards required to best contain the spread of COVID-19. As a result, VCUHS 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, VCUHS has indicated that a rapid, virtual on-boarding process has been put in place should VCUMC need to bring on additional personnel to meet staffing needs.

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

VCUHS 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:

VCUHS intends to add roughly 35 private, medical/surgical inpatient rooms per floor, each having a private bathroom. VCUHS anticipates using the facility to house low-acuity patients.

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

VCUHS has operationalized a team to prepare this facility with the expectation that two floors (70 beds) could be prepared to house inpatients by Friday, April 3, 2020, with the remaining 110 beds brought online in the following weeks. All patient rooms have sprinklers and active smoke detectors. The building has an active emergency power generator. VCUHS indicates that additional work is currently underway to prepare the building, including load-in of patient room furniture and medical equipment, and addition of EMR capability. VCUHS states that the space meets life safety code requirements for the type of patients 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 Virginia Health Information (VHI), there are 3,156 licensed inpatient beds in PD 15, including 60 in a long term acute care hospital and 108 in inpatient rehabilitation hospitals. There are 2,389 acute care beds available of which 368 are intensive care unit beds. 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 VCUMC's, and the area's, capacity to treat patients, thereby jeopardizing the quality of care for residents of PD 15. VCUMC's proposal increases their bed capacity by 42% and is a 13% 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, as well as given the difficulty in anticipating how many cases of COVID-19 may arise in PD 15, 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.² The Richmond metropolitan area, including the City of Richmond and surrounding health districts, have reported 311 positive COVID-19 cases.

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). VCUMC proposes to include the beds added at the Honors College dormitory under the general hospital license of VCUMC, located a mile and a half from VCUMC. 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 VCUMC license.

DCOPN Findings and Conclusions

VCUHS proposes to temporarily convert its Honors College dormitory to a medical care facility and add 180 beds. VCUHS intends to add roughly 35 private, medical/surgical inpatient rooms per floor, each having a private bathroom. VCUHS anticipates using the facility to house low-acuity patients. DCOPN finds that, due to the sudden and overwhelming increase in acute care cases resulting from COVID-19 infection throughout the Commonwealth, that VCUHS has an immediate need to temporarily add 180 beds. DCOPN finds that approval of VCUHS's request would be beneficial, as it would provide a space for lower acuity patients to receive treatment, thereby reducing their exposure to COVID-19, as well reducing the number of patients treated on the MCV Campus. There is demonstrated rapid rise in COVID-19 cases that 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, and region's, capacity to treat patients, thereby jeopardizing the quality of care for residents of PD 15, 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 Systems Authority's request to temporarily convert its Honors College dormitory to a medical care facility and add 180 beds. This authorization for additional bed capacity is contingent upon VCUHS' newly designated space's compliance with all Life Safety Code requirements. DCOPN's recommendation is based on the following findings.

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

1. VCUHS has demonstrated that, due to the reasonable expectation of a sudden and overwhelming increase in acute care patients resulting from COVID-19 infection, VCU's Honors College has an immediate need to temporarily add 180 licensed inpatient beds.
2. VCUHS's plan for training and shifting ambulatory staff is a reasonable solution for staffing the additional beds.
3. VCUHS's plan and ability to obtain equipment and supplies is reasonable within the confines of the current crisis.
4. VCUHS'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.