



COMMONWEALTH of VIRGINIA

M. Norman Oliver, MD, MA
State Health Commissioner

Department of Health
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RICHMOND, VIRGINIA 23218

TTY 7-1-1 OF
1-800-828-112

June 11, 2021

Mr. Nathan A. Kottkamp
Waller Lansden Dortch & Davis
511 Union Street, Suite 2700
Nashville, Tennessee 37219-8966

RECEIVED

JUN 22 2021

VDH/OLC

RE: COPN Request No. VA-8550
Galax Treatment Center, LLC
Applicability of Certificate of Public Need to Establish of a Residential Substance Abuse
Treatment Facility

Dear Mr. Kottkamp:

To address the general question of whether a Certificate of Public Need (COPN) is required by Article 1.1 of Chapter 4 of Title 32.1 (§ 32.1-102.1 et seq.) of the Code of Virginia to establish a residential facility for the treatment of substance abuse disorders, a telephonic informal fact-finding conference (IFFC) was held on March 29, 2021. Galax Treatment Center, LLC argued that a residential treatment center for substance abuse disorder is not an intermediate care facility licensed by the Department of Behavioral Health and Developmental Services as described at Virginia Code § 32.1-102.1:3(A)(4) and therefore does not constitute a project under COPN. Galax Treatment Center, LLC has submitted a COPN application (COPN Request number VA-8550) to establish a residential treatment center for substance abuse disorders and placed that review on hold pending this applicability determination.

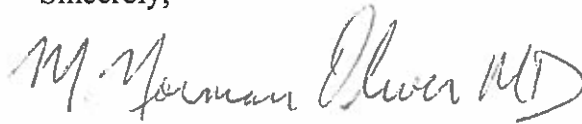
Under Virginia Code § 32.1-102.1:3(A)(4), “[a]ny intermediate care facility established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse licensed by the Department of Behavioral Health and Developmental Services in accordance with Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2” requires a certificate of public need. Based on my review, including my consideration of the findings of the Division of Certificate of Public Need (DCOPN) and the recommendation of the Adjudication Officer, I have concluded that Galax is an intermediate care facility that will be established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. In addition, it will be licensed by the Department of Behavioral Health and Developmental Services in accordance with Article 2 of Chapter 4 of Title 37.2 of the Code of Virginia. Therefore, Galax falls within Virginia Code § 32.1-102.1:3(A)(4) and requires a Certificate of Public Need. I concur with and adopt the findings of the March 11, 2021 applicability

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determination made by the DCOPN. Accordingly, the proposal submitted on behalf of Galax Treatment Center, LLC as COPN Request number VA-8550 constitutes a "project" subject to COPN consideration.

Should you have questions or desire additional information, please contact Erik Bodin, Director of the Division of Certificate of Public Need, at (804) 367-1889 or by email at Erik.Bodin@VDH.Virginia.gov.

Sincerely,

A handwritten signature in dark ink, reading "M. Norman Oliver MD". The signature is fluid and cursive, with the letters "M", "N", and "O" being particularly prominent.

M. Norman Oliver, MD, MA
State Health Commissioner

cc: Dr. Karen Shelton, Director, Mount Rogers Health District
Ms. Vanessa MacLeod, Esq., Assistant Attorney General
Mr. Erik Bodin, Director, Division of Certificate of Public Need
Mr. Douglas R. Harris, JD, Adjudication Officer