

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 203

An Act to amend and reenact § 63.1-175 of the Code of Virginia, relating to adult care residences.

[S 577]

Approved March 24, 2000

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-175 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-175. Licenses required; expiration and renewal; maximum number of residents; restrictions on nomenclature.

A. Every person who constitutes, or who operates or maintains, an adult care residence shall obtain the appropriate license from the Commissioner, which may be renewed. The Commissioner or his designated agents, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. *Upon initial application for such license, any person applying to operate an adult care residence who has not previously owned or managed or does not currently own or manage such a facility shall be required to undergo training by the Commissioner or his designated agents. The Commissioner may also approve training programs provided by other entities and allow owners or managers to attend such approved training programs in lieu of training by the Department. The Commissioner may also approve for licensure applicants who meet requisite experience criteria as established by the Board. The training programs shall focus on the health and safety regulations and resident rights as they pertain to adult care residences and shall be completed by the owner or manager prior to the granting of an initial license. The Commissioner may, at his discretion, issue a license conditioned upon the owner or manager's completion of the required training.*

B. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one adult care residence. Each license and renewals thereof may be issued for periods of up to three successive years, unless sooner revoked or surrendered. The length of each license or renewal thereof shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which the adult care residence meets or exceeds state licensing standards. Based on this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.

C. Each license shall indicate whether the residence is licensed to provide residential living or residential living and assisted living and shall stipulate the maximum number of persons who may be cared for in the adult care residence for which it is issued.

D. Any facility licensed exclusively as an adult care residence shall not use in its title the words "convalescent," "health," "hospital," "nursing," "sanatorium," or "sanitarium," nor shall such words be used to describe the facility in brochures, advertising, or other marketing material. No facility shall advertise or market a level of care which it is not licensed to provide. Nothing in this subsection shall prohibit the facility from describing services available in the facility.