

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 161

An Act to amend and reenact § 63.1-174 of the Code of Virginia, relating to assisted living facilities.

[H 2490]

Approved March 13, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-174 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-174. Regulations.

A. The State Board shall have the authority to promulgate and enforce regulations to carry out the provisions of this article and to protect the health, safety, welfare and individual rights of residents of assisted living facilities and to promote their highest level of functioning. Such regulations shall take into consideration cost constraints of smaller operations in complying with such regulations. Such regulations shall authorize assisted living facilities to provide safe, secure environments for residents with serious cognitive impairments *due to a primary psychiatric diagnosis of dementia* if such assisted living facilities comply with the Board's regulations governing such placement. Such regulations shall define (i) serious cognitive impairment, which shall include, but not be limited to, a physician assessment and (ii) safe, secure environment. Prior to placing a resident with a serious cognitive impairment *due to a primary psychiatric diagnosis of dementia* in a safe, secure environment, an assisted living facility shall obtain the written approval of one of the following persons, in the specified order of priority, (i) the resident, if capable of making an informed decision; (ii) a guardian or legal representative for the resident; however such an appointment shall not be required in order that written approval may be obtained; (iii) a relative authorized pursuant to the Board's regulations to act as the resident's representative; or (iv) an independent physician *who is skilled and knowledgeable in the diagnosis and treatment of dementia*, if a guardian, legal representative or relatives are unavailable. Such written approval shall be retained in the resident's file.

B. The assisted living facility shall have adequate and sufficient staff to provide services to attain and maintain (i) the physical, mental and psychosocial well-being of each resident as determined by resident assessments and individual plans of care and (ii) the physical safety of the residents on the premises. Upon admission and upon request, the assisted living facility shall provide in writing a description of the types of staff working in the facility and the services provided, including the hours such services are available. Regulations shall include standards for staff qualifications and training; facility design, functional design and equipment; services to be provided to residents; administration of medicine; allowable medical conditions for which care can be provided; and medical procedures to be followed by staff, including provisions for physicians' services, restorative care, and specialized rehabilitative services.

C. Regulations for medical procedures in assisted living facilities shall be developed in consultation with the State Board of Health and promulgated by the State Board of Social Services, and compliance with these regulations shall be determined by Department of Health or Department of Social Services inspectors as provided by an interagency agreement between the Department of Social Services and the Department of Health.