

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 63.1-174 of the Code of Virginia, relating to regulations; assisted living*
3 *facility.*

4 [H 1084]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 63.1-174 of the Code of Virginia is amended and reenacted as follows:**8 **§ 63.1-174. Regulations.**

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

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

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

ENROLLED

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