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SENATE BILL NO. 1093

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 17, 2011)

(Patron Prior to Substitute—Senator Hanger)

A BILL to amend and reenact §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia, relating to administration of assisted living facilities.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3103.1 and 63.2-1803 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3103.1. Administrator required for operation of assisted living facility; operation after death, illness, etc., of administrator; notification of Board; administrators operating more than one facility.

A. All licensed assisted living facilities within the Commonwealth shall be under the supervision of an administrator licensed by the Board, except as provided in subsection B of § 54.1-3102. If a licensed assisted living facility administrator dies, ~~becomes ill~~, resigns, ~~or~~ is discharged, ~~or becomes unable to perform his duties~~, the assisted living facility that was administered by him at the time of his death, ~~illness, resignation, or discharge~~ may continue to operate until his successor qualifies, but in no case for longer than is permitted by the licensing authority for the facility with an acting administrator in accordance with the provisions of § 63.2-1803. The temporary supervisor or administrator facility shall immediately notify the Board of Long-Term Care Administrators and the ~~Commissioner~~ regional licensing office of the Department of Social Services that the assisted living facility is operating without the supervision of a licensed assisted living facility administrator and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of Social Services of his employment and, if he is intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board within 10 days of employment.

B. Nothing in this chapter shall prohibit an assisted living administrator from serving as the administrator of record for more than one assisted living facility as permitted by regulations of the licensing authority for the facility.

§ 63.2-1803. Staffing of assisted living facilities.

A. An administrator of an assisted living facility shall be licensed as an assisted living facility administrator by the Virginia Board of Long-Term Care Administrators pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1. However, an administrator of an assisted living facility licensed for residential living care only shall not be required to be licensed. Any person meeting the qualifications for a licensed nursing home administrator under § 54.1-3103 shall be deemed qualified to (i) serve as an administrator of an assisted living facility or (ii) serve as the administrator of both an assisted living facility and a licensed nursing home, provided the assisted living facility and licensed nursing home are part of the same building.

B. If a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, the assisted living facility shall immediately employ a licensed administrator or appoint an acting administrator who is qualified by education for an approved administrator-in-training program and has a minimum of one year of administrative or supervisory experience in a health care or long-term care facility, or has completed such a program and is awaiting licensure. The facility shall give immediate notice to the regional licensing office of the Department of Social Services and to the Board of Long-Term Care Administrators and shall provide the last date of employment of the licensed administrator. When an acting administrator is named, he shall notify the Department of his employment and, if intending to assume the position permanently, submit a completed application for an approved administrator-in-training program to the Board of Long-Term Care Administrators within 10 days of employment. An assisted living facility may be operated by an acting administrator for no more than 150 days, or not more than 90 days if the acting administrator has not applied for licensure, from the last date of employment of the licensed administrator.

C. The Department may grant an extension of up to 30 days in addition to the 150 days from the last date of employment of a licensed administrator if the acting administrator has applied for licensure as a long-term care administrator pursuant to Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1, has completed the administrator-in-training program, and is awaiting the results of the national examination. If a 30-day extension is granted, the acting administrator shall immediately submit written notice to the Board of Long-Term Care Administrators. In no case shall an assisted living facility be operated with an acting administrator for more than 180 days, including the 30-day extension, from the last date of employment of a licensed administrator.

60 *D. No assisted living facility shall operate under the supervision of an acting administrator pursuant*
61 *to § 54.1-3103.1 and this section more than one time during any two-year period unless authorized to*
62 *do so by the Department. Determinations regarding authorization to operate under the supervision of an*
63 *acting administrator for more than one time in any two-year period shall be made by the Department*
64 *on a case-by-case basis.*

65 *E. The assisted living facility shall have adequate, appropriate, and sufficient staff to provide services*
66 *to attain and maintain (i) the physical, mental and psychosocial well-being of each resident as*
67 *determined by resident assessments and individual plans of care and (ii) the physical safety of the*
68 *residents on the premises. Upon admission and upon request, the assisted living facility shall provide in*
69 *writing a description of the types of staff working in the facility and the services provided, including the*
70 *hours such services are available.*

71 **2. That the Board of Long-Term Care Administrators shall promulgate regulations for the**
72 **oversight of acting administrators of assisted living facilities who have sought licensure but who**
73 **are not yet licensed as long-term care administrators by a preceptor registered or recognized by**
74 **the Board.**