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HOUSE BILL NO. 2131

Offered January 14, 2015

Prefiled January 14, 2015

A BILL to amend and reenact § 63.2-1701 of the Code of Virginia, relating to child and adult care; licensure determinations.

Patron—Mason

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1701 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1701. Licenses required; issuance, expiration and renewal; maximum number of residents, participants or children; posting of licenses.**

A. Every person who constitutes, or who operates or maintains, an assisted living facility, adult day care center or child welfare agency shall obtain the appropriate license from the Commissioner, which may be renewed. The Commissioner, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the applicant, and, if the applicant is an association, partnership, limited liability company or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require.

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 assisted living facility, adult day care center or child welfare agency, but each license shall be issued upon a separate form. Each license and renewals thereof for an assisted living facility, adult day care center or child welfare agency may be issued for periods of up to three successive years, unless sooner revoked or surrendered. Licenses issued to child day centers under this chapter shall have a duration of two years from date of issuance.

C. The length of each license or renewal thereof for an assisted living facility shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which it 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.

D. The Commissioner may extend or shorten the duration of licensure periods for a child welfare agency whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

E. Each license shall indicate the maximum number of persons who may be cared for in the assisted living facility, adult day care center or child welfare agency for which it is issued.

F. The license and any other documents required by the Commissioner shall be posted in a conspicuous place on the licensed premises.

G. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

H. *Determination by the Commissioner as to whether an assisted living facility, adult day care center, or child welfare agency is subject to licensure pursuant to this section shall not be considered a case decision as defined in § 2.2-4001.*

INTRODUCED

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