

2018 SESSION

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HOUSE JOINT RESOLUTION NO. 118

Requesting the Department of Social Services to study regulation of independent living communities. Report.

Agreed to by the House of Delegates, March 10, 2018

Agreed to by the Senate, March 10, 2018

WHEREAS, the provision of residential health care services within independent living communities through third-party providers is becoming more commonplace; and

WHEREAS, such independent living communities, which are not regulated by the Department of Social Services, are sometimes providing services to residents that are substantially similar to the care provided in assisted living facilities, which are regulated by the Department of Social Services and subject to licensure; and

WHEREAS, these differences in oversight may not be recognized by consumers, who are dependent on these services for safety and health; and

WHEREAS, a study by the Department of Social Services regarding potential regulations and oversight may help to ensure that residents of such independent living communities are adequately protected; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Social Services be requested to study regulation of independent living communities.

In conducting its study, the Department of Social Services shall (i) examine the operations of independent living communities and the level of services provided therein, including residential health care services coordinated through third-party providers; (ii) determine whether some or all independent living communities should be regulated by an agency of the Commonwealth and, if so, the extent to which they should be regulated and the agency or agencies that should be charged with such regulatory oversight; (iii) analyze what regulations should apply on the basis of the level of services, such as residential health care services, provided therein, regardless of whether such services are provided through a third party; (iv) determine whether the Commonwealth should establish the Office of the Independent Living Community Ombudsman to receive, record, and respond to complaints submitted by residents and other citizens regarding the operations of independent living communities; and (v) make any other recommendations related to the regulation or licensure of independent living communities that the Department of Social Services deems appropriate.

All agencies of the Commonwealth shall provide assistance to the Department of Social Services for this study, upon request.

The Department of Social Services shall complete its meetings by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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