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SENATE BILL NO. 891

Offered January 19, 2018

A BILL to amend and reenact §§ 54.1-3102 and 63.2-1803 of the Code of Virginia, relating to assisted living facility administrator.

Patron—Wagner

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3102 and 63.2-1803 of the Code of Virginia are amended and reenacted as follows:
§ 54.1-3102. License required.

A. In order to engage in the general administration of a nursing home, it shall be necessary to hold a nursing home administrator's license issued by the Board.

B. In order to engage in the general administration of an assisted living facility, it shall be necessary to hold an assisted living facility administrator's license or a nursing home administrator's license issued by the Board. However, an administrator of an assisted living facility *shall not be required to be licensed if (i) the assisted living facility is licensed only to provide residential living care, as defined in § 63.2-100, shall not be required to be licensed or (ii) the administrator is a licensed practical nurse, as defined in § 54.1-3000, and the assisted living facility provides care for not more than 20 residents. A licensed practical nurse serving as an assisted living facility administrator under the provisions of clause (ii) may serve as the administrator of record for more than one assisted living facility, provided that the combined total of residents at such assisted living facilities does not exceed 20 residents.*

§ 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 *shall not be required to be licensed if (i) the assisted living facility is licensed for residential living care only shall not be required to be licensed or (ii) the administrator is a licensed practical nurse, as defined in § 54.1-3000, and the assisted living facility provides care for not more than 20 residents.* Any person meeting the qualifications for a licensed nursing home administrator under § 54.1-3103 shall be deemed qualified to ~~(i)~~ (a) serve as an administrator of an assisted living facility or ~~(ii)~~ (b) serve as the administrator of both an assisted living facility and a licensed nursing home, provided *that* 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 or 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.

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

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59 a case-by-case basis.

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