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HOUSE BILL NO. 324

Offered January 8, 2020

Prefiled December 31, 2019

A *BILL to amend the Code of Virginia by adding a section numbered 51.5-142.1, relating to the Office of the Independent Living Community Ombudsman.*

Patrons—Ayala, Levine, Samirah and Simonds

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 51.5-142.1 as follows:

§ 51.5-142.1. Office of the Independent Living Community Ombudsman established; responsibilities.

A. As used in this section, "independent living community" means any congregate care housing arrangement reserved for residents 55 years of age or older who do not require assistance with activities of daily living from staff of the independent living community that includes provision of two or more of the following services: meals, transportation, laundry, or housekeeping, when such services are provided pursuant to an agreement between the resident and the congregate care housing provider or between the resident and a third party that delivers such services at the premises of the independent living community. "Independent living community" does not include a congregate care housing arrangement in which nursing or medical care, medication administration, assistance with medication administration, or assistance with activities of daily living are provided.

B. The Department shall establish an Office of the Independent Living Community Ombudsman. The Office of the Independent Living Community Ombudsman shall promote and protect the interests of residents of independent living communities in the Commonwealth. All state agencies shall assist and cooperate with the Office of the Independent Living Community Ombudsman in the performance of its duties under this section.

C. The Office of the Independent Living Community Ombudsman shall:

1. Make available on a website maintained by the Office information regarding independent living communities;

2. Answer inquiries from residents of independent living communities and others by telephone, mail, electronic mail, and in person;

3. Assist residents of independent living communities in understanding their rights and the processes available to them to ensure those rights;

4. Upon request, assist residents of independent living communities in utilizing the procedures and processes available to them to ensure their rights;

5. Receive, review, and attempt to resolve complaints from residents of independent living communities, including attempts to resolve such complaints in collaboration with independent living communities, residents of independent living communities, and other stakeholders;

6. Compile and make available on a website maintained by the Office data on independent living community resident complaints received pursuant to subdivision 5;

7. Provide information to the public, state agencies, legislators, and other stakeholders regarding the problems and concerns of residents of independent living communities and make recommendations for resolving those problems and concerns;

8. Analyze and monitor the development and implementation of federal and state laws, regulations, and policies relating to independent living communities and recommend any changes thereto that the Office deems necessary;

9. Disseminate information about the availability of the Office of the Independent Living Community Ombudsman to assist residents of independent living communities and potential residents of independent living communities, as well as the public, with any concerns regarding independent living communities;

10. Report annually by December 1 to the Governor and the General Assembly on the activities of the Office of the Independent Living Community Ombudsman and any significant developments in federal or state law, regulations, or policies relating to independent living communities; and

11. Take any other actions necessary to fulfill the duties of the Office of the Independent Living Community Ombudsman as set forth in this section.

INTRODUCED

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