

# 1994 SESSION

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## HOUSE JOINT RESOLUTION NO. 208

Offered January 25, 1994

*Requesting the Secretary of Health and Human Resources to study the need for regulation of unlicensed adult care residences.*

Patrons—DeBoer, Cunningham and Hall

Referred to Committee on Health, Welfare and Institutions

WHEREAS, adult care residences provide for the maintenance or care of adults who are aged, infirm, or disabled, including a diverse population of mentally and physically impaired adults; and

WHEREAS, if the residence offers care to four or more adults, it is required to be licensed by the State Department of Social Services, thus subjecting the facility to regulations promulgated by the State Board of Social Services and to monitoring by the Department; and

WHEREAS, the regulations are designed to protect the health, safety and welfare of residents of adult care residences and to assure that residents receive appropriate care, and licensing dictates the maximum number of individuals that may be cared for in the residence; and

WHEREAS, this license must be renewed annually by the Commissioner of Social Services; and

WHEREAS, there are currently 548 licensed adult care residences in the State of Virginia with a total capacity of 26,118 persons; and

WHEREAS, in addition to the number of licensed adult care residences in the state, there are a number of unlicensed facilities which are not regulated because they provide care to fewer than four individuals; and

WHEREAS, these facilities provide care for individuals who are also aged, infirm, or disabled, who have the same needs and the same right to protection as those persons residing in licensed facilities; and

WHEREAS, the regulation of facilities caring for fewer than four aged, infirm or disabled individuals may be desirable to secure the health, safety, and welfare of the residents; and

WHEREAS, if licensed, regulations would require adequate living conditions, proper food to meet dietary needs, and qualified personnel; and

WHEREAS; in addition to oversight responsibilities, the Department of Social Services establishes the method of evaluation of residents in facilities to determine when any of the residents are in need of professional medical and nursing care; and

WHEREAS, this evaluation is required in a licensed residence, but not in an unlicensed residence; and

WHEREAS, the Commissioner may impose sanctions or take action in the event that a licensed residence does not adhere to the rules or regulations set forth by the State Board of Social Services; and

WHEREAS, if a facility is not regulated, there is the potential for the lives of innocent individuals to be in danger; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Secretary of Health and Human Resources be requested to conduct a study to determine whether the current exemptions to licensure as an adult care residence should continue or whether facilities not currently subject to licensure should be licensed in order to provide the same standards of care available in a licensed facility.

All agencies of the Commonwealth shall provide assistance to the Secretary of Health and Human Resources, upon request.

The Secretary of Health and Human Services shall complete its work in time to submit the findings to the Governor and the 1995 Session of the General Assembly, as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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