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HOUSE JOINT RESOLUTION NO. 637

House Amendments in [] — February 4, 1995

Requesting the Joint Legislative Audit and Review Commission to study whether there are abuses of independent living and if so, recommend ways of addressing and correcting these abuses without curtailing the independence of persons who are fully capable of living without any medical or ambulatory assistance.

Patron—Grayson

Referred to Committee on Rules

WHEREAS, the number of elderly persons residing in the Commonwealth is expected to increase dramatically in the next 20 years; and

WHEREAS, housing is a major issue for the elderly and most of the older citizens in the Commonwealth desire to remain as independent and self-sufficient for as long as it is possible; and

WHEREAS, it is to the advantage of the Commonwealth and to her citizens to avoid placement in more expensive care, not only in terms of dollars but also in terms of the maintenance of dignity and self-sufficiency for the individual; and

WHEREAS, long-term care has become the fastest growing component of the health care industry because of improved medical technology and changes in population demographics, longevity and morbidity; and

WHEREAS, the Commonwealth regulates various types of care for the elderly, including adult care residences which are licensed by the Department of Social Services and nursing facilities which are licensed by the Department of Health; and

WHEREAS, adult care residences provide for the maintenance of or care of adults who are aged, infirm or disabled but who do not have medical needs that require nursing facility care; and

WHEREAS, the assisted living level of care offered by adult care residences requires licensure if the residence offers care to four or more adults but independent living, which is offered by many retirement communities, does not require licensure; and

WHEREAS, there are some retirement communities in the Commonwealth that have allowed persons with significant medical needs to move into independent living or have allowed persons whose health has seriously deteriorated to remain in independent living; and

WHEREAS, some medically needy independent living residents contract with home care organizations to provide their medical care which is permissible, but if this same care were offered by employees of the retirement community and the retirement community provided care, maintenance and supervision, it would be required to be licensed; and

WHEREAS, some retirement communities house both independent living residents and assisted living residents and in some instances there are persons in independent living whose medical needs are greater than those in assisted living but current law does not address this situation; now, therefore, be it

RESOLVED, by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be requested to study whether there are abuses of independent living and if so, to recommend ways of addressing and correcting these abuses without curtailing the independence of persons who are fully capable of living without regular medical or ambulatory assistance.

The Department of Social Services and Department of Health and any other agency of the Commonwealth shall assist the Joint Legislative Audit and Review Commission in the study, upon request.

The Joint Legislative Audit and Review Commission shall complete its work in time to submit its findings and recommendations to the Governor and the [1996 1997] Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

ENGROSSED

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