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HOUSE JOINT RESOLUTION NO. 637
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on February 17, 1995)

(Patron Prior to Substitute—Delegate Grayson)

Requesting the Joint Commission on Health Care to study whether there are abuses in independent living arrangements for the elderly or disabled.

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 as possible; and

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

WHEREAS, because of improved medical technology and changes in population demographics, longevity and morbidity, long-term care has become the fastest growing component of the health care industry; 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 or care of adults who are aged, infirm or disabled but who do not require nursing facility care; and

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

WHEREAS, some retirement communities in the Commonwealth 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, in some retirement communities not required to be licensed, medically needy independent living residents may contract with home care organizations for their medical care; and

WHEREAS, if the retirement community assumed responsibility for providing, maintaining, and supervising this same care, the retirement community would be required to be licensed; and

WHEREAS, some retirement communities house both independent living residents and assisted living residents; and

WHEREAS, although some persons in independent living have greater medical needs than those in assisted living, current law does not address this situation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Health Care be requested to study whether there are abuses in independent living arrangements for the elderly or disabled 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 Commission in the study, upon request.

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