

# VIRGINIA ACTS OF ASSEMBLY -- 1999 RECONVENED SESSION

## CHAPTER 964

*An Act to amend and reenact §§ 63.1-175 and 63.1-177 of the Code of Virginia, relating to adult care residences.*

[S 1173]

Approved April 7, 1999

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 63.1-175 and 63.1-177 of the Code of Virginia are amended and reenacted as follows:**

§ 63.1-175. Licenses required; expiration and renewal; maximum number of residents; restrictions on nomenclature.

A. Every person who constitutes, or who operates or maintains, an adult care residence shall obtain the appropriate license from the Commissioner, which may be renewed. The Commissioner or his designated agents, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license.

B. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one adult care residence. Each license and renewals thereof may be issued for periods of up to three successive years, unless sooner revoked or surrendered. *The length of each license or renewal thereof shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which the adult care residence meets or exceeds state licensing standards. Based on this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.*

C. Each license shall indicate whether the residence is licensed to provide residential living or residential living and assisted living and shall stipulate the maximum number of persons who may be cared for in the adult care residence for which it is issued.

D. Any facility licensed exclusively as an adult care residence shall not use in its title the words "convalescent," "health," "hospital," "nursing," "sanatorium," or "sanitarium," nor shall such words be used to describe the facility in brochures, advertising, or other marketing material. No facility shall advertise or market a level of care which it is not licensed to provide. Nothing in this subsection shall prohibit the facility from describing services available in the facility.

§ 63.1-177. Inspections and interviews.

A. Applicants and licensees shall at all times afford the representatives of the Commissioner reasonable opportunity to inspect all of their facilities, books and records, and to interview their agents and employees and any person living in such facilities.

B. The Commissioner and his authorized agents shall have the right to inspect and investigate all adult care residences, interview their residents and have access to their records.

~~C. The Commissioner or his authorized agents shall make at least two inspections of each licensed adult care residence each year, one of which shall be unannounced. The Commissioner may authorize such other announced or unannounced inspections as he considers appropriate. For any adult care residence issued a license or renewal thereof for a period of six months, the Commissioner or his authorized agents shall make at least two inspections during the six-month period, one of which shall be unannounced. For any adult care residence issued a license or renewal thereof for a period of one year, the Commissioner or his authorized agents shall make at least three inspections each year, at least two of which shall be unannounced. For any adult care residence issued a license or a renewal thereof for a period of two years, the Commissioner or his authorized agents shall make at least two inspections each year, at least one of which shall be unannounced. For any adult care residence issued a three-year license, the Commissioner or his authorized agents shall make at least one inspection each year, which shall be unannounced.~~

*D. For any licensed adult care residence, the Commissioner may authorize such other announced or unannounced inspections as the Commissioner considers appropriate.*

**2. That the Joint Commission on Health Care and the Secretary of Health and Human Resources shall report by October 1, 1999, to the chairpersons of the House Committee on Health, Welfare and Institutions, and the Senate Committee on Rehabilitation and Social Services regarding (i) options for making adult care resident regulations more outcome oriented, (ii) means for making such regulations more focused on obtaining resident and family input, and (iii) the advisability of deemed status for nationally accredited adult care residences.**