

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 910

An Act to authorize an exception to regulations for certain assisted living facilities.

[H 635]

Approved April 15, 2004

Be it enacted by the General Assembly of Virginia:

1. § 1. *Certain exception to regulations for assisted living facilities authorized.*

Notwithstanding any provision of §§ 63.2-1732 and 63.2-1803 of the Code of Virginia and of 22 VAC 40-71-700 to the contrary, the provisions of 22 VAC 40-71-700 B 1 and C 14 shall not be applicable to any assisted living facility licensed by the Department of Social Services when such facility (i) offers a safe, secure environment in a freestanding self-contained unit for residents who have been assessed by an independent clinical psychologist or a licensed physician as having a serious cognitive impairment due to a primary diagnosis of dementia; (ii) has an individual facility capacity that does not exceed five residents; (iii) is located in a converted single-family dwelling located in an established residential neighborhood in any county having a population of no less than 259,000 and no greater than 263,000; (iv) has at least one direct care staff member in such facility at all times that residents are present who shall be responsible for the care and supervision of the residents; (v) has established written emergency procedures that provide for prompt assistance to the direct caregiver by other staff members who may be located at locations other than the facility where the assistance is requested; (vi) is operated by a Virginia limited liability company that operates at least three such facilities with a combined minimum of 15 residents; and (vii) has provided written notice to the resident and his legally authorized representative at the time of admission that one direct care staff member rather than two are present at all times.