

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [H 635]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. § 1. Certain exception to regulations for assisted living facilities authorized.**

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

ENROLLED

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