

## 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 psychiatric diagnosis of dementia; (ii) has an individual facility capacity*  
13 *that does not exceed five residents; (iii) is located in a converted single-family dwelling where the*  
14 *bedrooms, living space and common areas are located on the first level of the dwelling and such facility*  
15 *is located in an established residential neighborhood in any county having a population of no less than*  
16 *259,000 and no greater than 263,000; (iv) has at least one direct care staff member in such facility at*  
17 *all times that residents are present who shall be responsible for the care and supervision of the*  
18 *residents; (v) has established written emergency procedures that provide for prompt assistance to the*  
19 *direct caregiver by other staff members who may be located at locations other than the facility where*  
20 *the assistance is requested, including a requirement that the direct caregiver have on his person a*  
21 *mobile electronic device that may be used to signal for emergency assistance; (vi) has established*  
22 *written criteria and procedures, in consultation with a licensed physician, to periodically review the*  
23 *appropriateness of each resident's continued residence in such facility and to provide for the transfer of*  
24 *any resident to another facility that has staffing of two or more direct care staff members whenever*  
25 *warranted by a change in a resident's condition; (vii) is operated by a limited liability company initially*  
26 *organized or authorized to transact business in Virginia before January 1, 1997, that operates at least*  
27 *three but no more than nine such facilities; and (viii) has provided written notice to any current resident*  
28 *and his legally authorized representative within 30 days after the effective date of this act and,*  
29 *thereafter, to any new resident and his legally authorized representative at the time of admission that*  
30 *one direct care staff member rather than two is present at all times.*