

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number House Bill 635

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron John M. O'Bannon, III

3. Committee Passed Both Houses

4. Title Exception to regulation for assisted living facilities

5. Summary/Purpose: This bill provides that 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 psychiatric diagnosis of dementia; (ii) has an individual facility capacity that does not exceed five residents; (iii) is located in a converted single-family dwelling where the bedrooms, living space and common areas are located on the first level of the dwelling and such facility is 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, including a requirement that the direct caregiver have on his person a mobile electronic device that may be used to signal for emergency assistance; (vi) has established written criteria and procedures, in consultation with a licensed physician, to periodically review the appropriateness of each resident's continued residence in such facility and to provide for the transfer of any resident to another facility that has staffing of two or more direct care staff members whenever warranted by a change in a resident's condition; (vii) is operated by a limited liability company initially organized or authorized to transact business in Virginia before January 1, 1997, that operates at least three but no more than nine such facilities; and (viii) has provided written notice to any current resident and his legally authorized representative within 30 days after the effective date of this act and, thereafter, to any new resident and his legally authorized representative at the time of admission that one direct care staff member rather than two is present at all times.

6. No Fiscal Impact

7. Budget amendment necessary: No

8. Fiscal implications: None

9. Specific agency or political subdivisions affected:

Department of Social Services

10. Technical amendment necessary: No

11. Other comments: None

Date: 03/25/04 / kwm

Document: G:\2004 Fiscal Year\Efis\Enrolled\Hb635er2.Doc

cc: Secretary of Health and Human Resources