

# VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

## CHAPTER 97

*An Act to require the Board of Social Services to amend regulations governing staffing of certain assisted living facility units during overnight hours.*

[S 1410]

Approved February 21, 2019

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

**1.** *§ 1. That the Board of Social Services shall amend 22VAC40-73-1130 governing staffing of units of assisted living facilities with residents who have serious cognitive impairment due to a primary psychiatric diagnosis of dementia and are unable to recognize danger or protect their own safety and welfare to require that the following number of direct care staff members be awake and on duty and responsible for the care and supervision of the residents at all times during night hours:*

- 1. When 22 or fewer residents are present, at least two direct care staff members;*
- 2. When 23 to 32 residents are present, at least three direct care staff members;*
- 3. When 33 to 40 residents are present, at least four direct care staff members; and*
- 4. When more than 40 residents are present, at least four direct care staff members plus at least one additional direct care staff member for every 10 residents or portion thereof in excess of 40 residents.*

*Nothing in this act shall apply to the provisions of 22VAC40-73-280.*