



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 12, 2019

TO: Licensed Assisted Living Facilities

FROM: Tara Ragland, Director
Division of Licensing Programs

SUBJECT: 2019 Legislative Implementation

This memo will inform you of legislation that passed in the 2019 Virginia General Assembly session that affects licensed assisted living facilities. The legislation will become effective July 1, 2019 unless otherwise indicated.

House Bill 1815

[HB 1815](#) directs the State Board of Social Services to adopt regulations that require assisted living facilities to disclose to each prospective resident, or his legal representative, in writing in a document provided to the prospective resident or his legal representative and as evidenced by the written acknowledgement of the resident or his legal representative, whether the facility has an on-site emergency electrical power source for the provision of electricity during an interruption of the normal electric power supply and, if the assisted living facility does have an on-site emergency electrical power source, (i) the items for which such on-site emergency electrical power source will supply power in the event of an interruption of the normal electric power supply and (ii) whether staff of the assisted living facility have been trained to maintain and operate such on-site emergency electrical power source to ensure the provision of electricity during an interruption of the normal electrical power supply. The bill also provides that an on-site emergency electrical power source shall include both permanent on-site emergency electrical power sources and portable on-site emergency electrical power sources, provided such portable on-site emergency electrical power source remains on the premises of the assisted living facility at all times.

Notice, including an effective date, will be sent out once these requirements are updated in the assisted living facility regulation.

House Bill 2521/Senate Bill 1410

[HB 2521](#) and [SB 1410](#) are identical bills. This legislation directs the Board of Social Services to amend regulations governing staffing of assisted living facility units 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 during overnight hours: (i) when 22 or fewer residents are present, at least two direct care staff members; (ii) when 23 to 32 residents are present, at least three direct care staff members; (iii) when 33 to 40 residents are present, at least four direct care staff members; and (iv) 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.

Notice, including an effective date, will be sent out once these requirements are updated in the assisted living facility regulation.

Senate Bill 1077

[SB 1077](#) requires the State Board of Social Services to amend its regulations governing emergency preparedness and response plans and temporary emergency electrical power sources of assisted living facilities to require the following: (i) any assisted living facility that is equipped with an on-site emergency generator shall (a) include in its emergency preparedness and response plan a description of the emergency generator's capacity to provide sufficient power for certain functions and (b) test such emergency generator monthly and (ii) any assisted living facility that is not equipped with an on-site emergency generator shall (a) enter into an agreement with a vendor capable of providing the assisted living facility with an emergency generator, (b) enter into at least one agreement with a backup vendor, and (c) have its temporary emergency electrical power source connection tested at the time of installation and every two years thereafter.

Notice, including an effective date, will be sent out once these requirements are updated in the assisted living facility regulation.

Senate Bill 1409

[SB 1409](#) requires that a licensed assisted living facility (ALF) immediately notify the Board of Long-Term Care Administrator and the Department of Social Services regional licensing office when an administrator dies, resigns, is discharged, or becomes unable to perform his duties. It increases from one to two the number of times a licensed assisted living facility may operate under the supervision of an acting administrator during any two-year period.

Please contact your licensing inspector if you have any questions.