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SENATE BILL NO. 564

Offered January 14, 2026

Prefiled January 14, 2026

A BILL to amend and reenact § 63.2-1728 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 17 of Title 63.2 a section numbered 63.2-1718.1, relating to Department of Social Services, unlicensed care homes; complaints; regulations.

Patron—Sturtevant

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1728 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 17 of Title 63.2 a section numbered § 63.2-1718.1 as follows:

§ 63.2-1718.1. Unlicensed care homes; registration.

A. As used in this section, "unlicensed care home" means a residential adult care setting that provides room, board, and some level of services for three or fewer unrelated individuals but is not licensed or certified by the Commonwealth.

B. Every person who constitutes, or who operates or maintains, an unlicensed care home shall register such home with the Commissioner. The Commissioner, upon request, shall consult with, advise, and assist any person interested in registering any such home. Such registration shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the registrant and, if the registrant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The registration document shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require.

C. Upon receipt of any complaint concerning the operation of an unlicensed care home, the Commissioner shall provide the complainant with a written acknowledge of such complaint and, within 30 days, provide a written response, update, or determination, if a determination is available.

D. Any unlicensed care home registered in the Commonwealth shall comply with all applicable laws and regulations established by the Department.

§ 63.2-1728. Establishment of toll-free telephone line for complaints; investigation on receipt of complaints.

With such funds as are appropriated for this purpose, the Commissioner shall establish a toll-free telephone line to respond to complaints regarding operations of assisted living facilities, *unlicensed care homes*, adult day centers, and child welfare agencies. Upon receipt of a complaint concerning the operation of an assisted living facility, *unlicensed care home*, adult day center, or child welfare agency, regardless of whether the program is subject to licensure, the Commissioner shall, for good cause shown, cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, records, and facilities. If appropriate, upon receipt of a complaint concerning the operation of an unlicensed care home, as defined in § 63.2-1718.1, the Commissioner shall immediately notify the local department of social services, the Department of Health, or any other appropriate oversight entity of such complaint and inform the complainant of the entity where the case has been referred and which entity is responsible for follow-up. The assisted living facility, *unlicensed care home*, adult day center, or child welfare agency shall afford the Commissioner reasonable opportunity to inspect all of the operator's activities, services, records, and facilities and to interview its agents and employees and any child or other person within its custody or control. Whenever an assisted living facility, *unlicensed care home*, adult day center, or child welfare agency subject to inspection under this section is determined by the Commissioner to be in noncompliance with the provisions of this subtitle or with regulations adopted pursuant to this subtitle, the Commissioner shall give reasonable notice to the assisted living facility, *unlicensed care home*, adult day center, or child welfare agency of the nature of its noncompliance and may thereafter take appropriate action as provided by law, including a suit to enjoin the operation of the assisted living facility, *unlicensed care home*, adult day center, or child welfare agency.

An incident report filed by an assisted living facility, pursuant to regulations adopted by the Board, for any major incident that negatively affects or threatens the life, health, safety, or welfare of any resident of the facility shall not be considered a complaint for purposes of this section and shall not be posted by the Department on a website maintained by the Department. However, upon receipt of an incident report for any major incident that negatively affects or threatens the life, health, safety, or welfare of any resident of an assisted living facility, the Commissioner may initiate an investigation, including an on-site visit to the

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59 facility, if the Commissioner finds, for good cause shown based upon the seriousness of the incident and the
60 nature of any response to the incident, including any implementation of a plan of correction to address the
61 situation giving rise to the incident, that an investigation is required to protect the life, health, safety, or
62 welfare of a resident of the assisted living facility.

63 **2. That the Virginia Department of Social Services shall establish regulations for the operation of**
64 **unlicensed care homes, including health, safety, medication handling, and documentation standards.**
65 **The Department's adoption of such regulations shall be exempt from the Administrative Process Act**
66 **(§ 2.2-4000 et seq. of the Code of Virginia), except that the Department shall provide an opportunity**
67 **for public comment on the regulations prior to adoption.**