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SENATE BILL NO. 358

Senate Amendments in [] - January 29, 2026

A BILL to amend and reenact § 38.2-4910 of the Code of Virginia, relating to continuing care providers; quarterly meeting requirements.

Patron Prior to Engrossment—Senator McDougale

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-4910 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-4910. Right of organization.**

A. Residents shall have the right of self-organization. No retaliatory conduct shall be permitted against any resident for membership or participation in a residents' organization or for filing any complaint. The provider shall be required to provide to the organization a copy of all submissions to the Commission.

B. The board of directors, its designated representative, or other such governing body of a continuing care facility shall hold meetings at least quarterly with the residents or representatives elected by the residents of the continuing care facility for the purpose of free discussion of issues relating to the facility. These issues may include income, expenditures, and financial matters as they apply to the facility and proposed changes in policies, programs, facilities, and services. Residents shall be entitled to seven days' notice of each meeting, and at least two of such meetings per year shall be open to all residents of the facility. The following individuals shall participate in person in at least two of such meetings each year: (i) a member of the board of directors or other governing body of the provider other than a member who is an employee or officer of the provider and (ii) the chief executive officer or equivalent officer of the provider.

C. If requested by either the resident council of a continuing care facility incorporated in the Commonwealth or a majority of such continuing care facility's independent living residents, the provider shall include as a guest attendee on its board of directors or other such governing body at least one resident of the continuing care facility who is elected by a majority of such residents.

[D. The board of directors or any subcommittee or other committee of the board of directors of a continuing care facility may convene in executive session without the presence of a guest attendee described in subsection C to (i) consider personnel matters; (ii) consult with legal counsel; (iii) discuss and consider contracts, pending or probable litigation, and matters involving violations of the declaration or rules and regulations; or (iv) discuss and consider the personal liability of members to the provider, upon the affirmative vote in an open meeting to assemble in executive session. The motion shall state specifically the purpose for the executive session. Reference to the motion and the stated purpose for the executive session shall be included in the minutes. The board of directors shall restrict the consideration of matters during such portions of meetings to only those purposes specifically exempted and stated in the motion. No contract, motion, or other action adopted, passed, or agreed to in executive session shall become effective unless the board of directors or subcommittee or other committee of the board of directors, following the executive session, reconvenes in open meeting and takes a vote on such contract, motion, or other action, which shall have its substance reasonably identified in the open meeting. The requirements of this section shall not require the disclosure of information in violation of law.]

ENGROSSED

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