

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 2 of Chapter 5 of Title 32.1 sections numbered*
 3 *32.1-138.5:2 and 32.1-138.5:3, relating to Department of Health and State Health Commissioner;*
 4 *nursing homes; oversight and accountability; periodic medical visits and resident assessments.*

5 [S 429]
 6 Approved

7 **Be it enacted by the General Assembly of Virginia:**
 8 **1. That the Code of Virginia is amended by adding in Article 2 of Chapter 5 of Title 32.1 sections**
 9 **numbered 32.1-138.5:2 and 32.1-138.5:3 as follows:**

10 **§ 32.1-138.5:2. Periodic medical visits.**
 11 *If any required visits to a resident by a physician do not take place in accordance with the federal*
 12 *physician visit schedule described in 42 CFR § 483.30(c), any nursing home licensed under this chapter shall*
 13 *send notice to the resident, the resident's family or legal representative, and the Department.*

14 **§ 32.1-138.5:3. Resident assessment and plan of care.**
 15 *A. All nursing homes licensed under this chapter shall conduct comprehensive assessments of each*
 16 *resident's needs pursuant to subsection B. Such assessments shall accurately describe the resident's*
 17 *capability to perform daily life functions and significant impairments in functional capacity, and shall*
 18 *include:*

- 19 *1. Medically defined conditions and prior medical history;*
- 20 *2. Medical status;*
- 21 *3. Physical and mental functional status;*
- 22 *4. Sensory and physical impairments;*
- 23 *5. Nutritional status and requirements;*
- 24 *6. Special treatments or procedures;*
- 25 *7. Psychosocial status;*
- 26 *8. Discharge potential;*
- 27 *9. Dental condition;*
- 28 *10. Activities potential;*
- 29 *11. Rehabilitative potential;*
- 30 *12. Cognitive status;*
- 31 *13. Drug therapy; and*
- 32 *14. Any known advance directives.*

33 *B. The nursing facility shall conduct a complete assessment as described in subsection A:*
 34 *1. No later than 14 days after the date of admission;*
 35 *2. Promptly after a significant change in the resident's physical or mental condition; and*
 36 *3. In all cases, at least once every 366 days.*

37 *C. The nursing home shall review each resident's assessment at least once every 92 days and shall update*
 38 *the plan of care as indicated.*

39 *D. Each assessment shall be coordinated by a registered nurse who signs, dates, and certifies completion*
 40 *of the assessment.*

41 *E. Each assessment shall be conducted or coordinated with the participation of health professionals. Each*
 42 *person completing a portion of the assessment shall sign and date such portion of the assessment.*

43 *F. The nursing home shall use the results of the assessment to develop, review, and revise the resident's*
 44 *comprehensive plan of care.*

45 *G. The nursing home shall develop a comprehensive plan of care for each resident within seven days of*
 46 *completion of the comprehensive assessment. Such plan shall include measurable objectives and timetables*
 47 *to meet the resident's medical, nursing, nutritional, and psychosocial needs identified in the comprehensive*
 48 *assessment. The plan shall also describe the services that are to be furnished to maintain or improve the*
 49 *resident's physical, mental, and psychosocial status. Upon request, a copy or summary of such*
 50 *comprehensive plan of care, as defined by the facility's established policy, shall be delivered to the resident*
 51 *and the resident's family or legal representative within seven days of completion.*

52 *H. The comprehensive plan of care required pursuant to subsection G shall be prepared by a*
 53 *multidisciplinary team. The multidisciplinary team shall include a registered nurse, the attending physician,*
 54 *to the extent practicable, and other staff in disciplines as determined by the resident's needs. The resident and*
 55 *the resident's family or legal representative shall also be provided a meaningful opportunity to participate in*
 56 *developing the plan of care.*

- 57 2. That the Department of Health (the Department) and the State Health Commissioner shall take
58 steps to improve care quality, protect residents, and strengthen oversight and accountability of nursing
59 homes in the Commonwealth.
- 60 3. That the Department of Health (the Department) shall work with relevant stakeholders to develop
61 and implement a plan to expand workforce capacity in the Office of Licensure and Certification and
62 fill all open medical facilities inspector positions. As part of the plan to expand workforce capacity, the
63 Department shall establish and maintain an Office of Licensure and Certification recruitment
64 dashboard to track and update vacancies. The Department shall also utilize traditional and non-
65 traditional recruiting measures to recruit across markets for open positions at the Office of Licensure
66 and Certification.
- 67 4. That in order to accelerate training and onboarding initiatives, the Department of Health shall
68 establish a dedicated training manager to lead the development and implementation of comprehensive
69 staff training initiatives at the Office of Licensure and Certification and create an onboarding plan to
70 support future recruitment and retention.
- 71 5. That the Department of Health's Chief Information Officer shall coordinate with the Virginia
72 Information Technologies Agency and the Office of Regulatory Management to assess the feasibility of
73 automating tasks and reducing administrative burdens through the use of artificial intelligence or
74 other means.
- 75 6. That the State Health Commissioner shall submit by December 1 and annually thereafter a report to
76 the Governor and General Assembly with recommendations for continued improvement of nursing
77 home quality and oversight in the Commonwealth.