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HOUSE BILL NO. 476**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Joint Conference Committee

on _____)

(Patron Prior to Substitute—Delegate Watts)

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

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, ~~or the designated representative of such board or governing body who is not the executive director or an employee of such 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, at least one of which shall be open to all residents of the facility: (i) a member of the board of directors or other governing body of the provider other than a member who is employed at the facility 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 participant in the meetings of its board of directors or other such governing body a resident representative of the continuing care facility who is elected by a majority of such residents, who shall participate in a non-voting, advisory capacity. No provision of this section shall prohibit such board or governing body, or any subcommittee or committee thereof, from convening in executive session as described in subsection C of § 55.1-1816 without the presence of such resident representative.

HOUSE SUBSTITUTE

HB476H2