



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-72
<b>Regulation title</b>	Standards for Licensed Assisted Living Facilities
<b>Action title</b>	ALF Exempt Action Medication Aides
<b>Final agency action date</b>	April 15, 2009
<b>Document preparation date</b>	April 15, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This proposed regulatory action is necessary to implement a recent amendment to § 54.1- 3042 of the Code of Virginia by the 2009 Session of the General Assembly (Chapter 133, 2009 Acts of Assembly) that allows an applicant for registration as a medication aide to act as a medication aide on a provisional basis if the person has provided to the Virginia Board of Nursing evidence of successful completion of the education or training course required for registration. The applicant may not act as a medication aide on a provisional basis for more than 120 days before successful completion of any required competency evaluation. However, upon notification that the applicant has failed to successfully complete the written examination after three attempts, the person must immediately cease acting as a medication aide.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

The State Board of Social Services approved the final exempt action to amend the regulation entitled Standards for Licensed Assisted Living Facilities, 22 VAC 40-72, on April 15, 2009.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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The institution of the family and family stability will be enhanced by this regulatory action because the increased availability of qualified staff persons to administer medications will lead to greater protection of relatives who are residents of assisted living facilities. The increased protection of residents will mean that families will have greater confidence in the welfare of their relatives who reside in these facilities.