



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	State Board of Social Services
VAC Chapter Number:	22 VAC 40-745-10 et seq.
Regulation Title:	Assessment in Adult Care Residences
Action Title:	Comply with ALF Regulation and DMAS Policy
Date:	April 16, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

This regulation establishes general standards for the assessment of applicants to and residents of assisted living facilities. It should be noted that “adult care residences” are now called “assisted living facilities.” Through the assessment process, public funds can be more appropriately utilized by ensuring that individuals receive the level of care and services that they need.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The legal basis for this regulation is the *Code of Virginia*, §§ 63.2-217 and 63.2-1804. The regulation does not exceed the scope of what the *Code* allows.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

Amendments are needed to this regulation to bring it into compliance with changes in the Department of Social Services' regulation on licensure of assisted living facilities and with the Department of Medical Assistance Services' administrative policy for reimbursement of assisted living services. In addition, the term "adult care residence" will be replaced with "assisted living facility" throughout, including in the regulation's title.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The Department continues to work closely with assisted living facility provider organizations and facility operators to ensure that the assessment of applicants to and residents of assisted living facilities are appropriately placed and provided adequate care.