



# COMMONWEALTH of VIRGINIA

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## MEMORANDUM

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** July 17, 2015

**SUBJECT:** Proposed Fast Track Amend 22 VAC 40-780-10 et seq.  
Elimination of Financial Eligibility Criteria for Direct Social Services

I have reviewed the attached proposed fast track regulatory action to determine if the State Board of Social Services ("State Board") has the statutory authority to amend the regulation and if this action by the State Board may use the fast-track rulemaking process set out in the Administrative Process Act (APA).

It appears that the State Board has the authority to amend the regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. This action appears to be noncontroversial and may be promulgated as a fast-track regulation pursuant to Virginia Code § 2.2-4012.1.

It should be noted that if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the Department shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in the APA.

If you have any questions, please feel free to call me at 786-0095.

Project 4436 - none

## DEPARTMENT OF SOCIAL SERVICES

### Amend Financial Eligibility Criteria

#### CHAPTER 780

#### ~~ELIMINATION OF FINANCIAL ELIGIBILITY CRITERIA FOR DIRECT SOCIAL SERVICES~~

#### **22VAC40-780-60. Universal access.**

Local departments of social services may choose one of two options in providing direct services on a universal access basis:

1. All persons needing direct services may be served on a universal access basis ~~except for services delivered as a part of employment services programs~~; or
2. Only persons needing the following services may be served on a universal access basis:
  - a. Intake services;
  - b. Family services (services provided to prevent child abuse and neglect, independent adoptions, and court activities);
  - c. Adult protective services;
  - d. Child protective services;
  - e. Foster care or adoption services; or
  - f. Adult services (services provided to elderly and incapacitated adults at risk of abuse, neglect, or exploitation).