



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-160
Regulation title	Fee Requirements for Processing Applications
Document preparation date	February 18, 2009

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the Code of Virginia (Code) authorizes the State Board of Social Services (Board) to adopt and enforce regulations to carry out the purposes of Title 63.2 regarding social services. Chapter 17 of Title 63.2 contains statutes for the licensure of assisted living facilities, adult day care centers, and child welfare agencies, including requirements for licensing fees in § 63.2-1700.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There is no less burdensome alternative for achieving the purpose of this regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Committer	Comment	Agency response
Vashti Lundy	I am in favor of the fee requirements. I would very much like to have continued training services offered by the Department of Social Services (DSS) for providers and operators. Please continue the Virginia State training programs for child day care providers.	Agency agrees.
Debi Patten	Fees were to be used for the following: Such fees are to be used for the development and delivery of training for operators and staff of facilities or agencies for adults or children subject to licensure solely by DSS. Did the fees get used for the above purpose? Our facilities have not seen an increase in training. Perhaps a redefined purpose would support the fee. Another issue with the fees, when someone is placed on a conditional, the same fee is charged again in six months. I think this is unfair as it does not address the fee purpose nor does DSS offer additional training to the unfortunate facility to validate the additional fee.	Licensing fees are used exclusively for training the operators and staff of licensed facilities. Each licensing office offers pre-licensure training to all applicants for licensure and offers two training sessions for licensees each year. The licensing offices do not charge for these trainings. Licensing fees are also used by the Office of Early Childhood Development to provide child care professional development distance learning opportunities and classes throughout the Commonwealth.
Ruth Jennings Daycare Provider	I find very reasonable the fee for application of a license.	Agency agrees.
Kelly A. Lewis, Director All Aboard Child Development Center	I feel that over the 12 years that my business has been licensed, fees and regulations have become overwhelming and often costly for a business owner. Children should always be the primary focus, but consideration of the impact changes have on the business owner are often disregarded. The excessive training requirements, mat/medical requirements, etc. have left many child care centers	Licensing fees have not increased since 1991. It is reasonable for the operator of a licensed child day center to incur some cost of DSS' meeting requirements of the Code that include processing the application; inspecting the applicant's activities, services and facilities; investigating the applicant's financial responsibility and his character and reputation; providing consultation, advice and assistance to the person seeking licensure; issuing the license; and providing periodic monitoring inspections of

	<p>struggling to stay competitive. With the poor economy and high unemployment rate many centers are suffering from lower enrollments. I strongly recommend that DSS consider waiving license fees for all licensed child care centers. It would be greatly appreciated by many and would show an effort by DSS to help centers cut costs. Therefore, the money saved could be spent in a more productive way directly benefiting the children.</p>	<p>the licensed facility to ensure compliance with licensing regulations.</p>
<p>Samia Harris</p>	<p>I think any charges to serve the children from DSS are out of place, and should be removed. Any penalty should be removed. Child care service is the hardest business to be in; owners get burn out, subsidize their business by the long hours they put for the love of children. I have not seen many companies that got rich from child care services. Every year, we get overwhelmed with more requirements, more demand, more regulations that I do not think has any thing to do with quality improvement.</p>	<p>See response above.</p>

No informal advisory group was formed for the purpose of assisting with the periodic review. Licensed assisted living facilities, adult day care centers, child welfare agencies and interested parties were contacted by email for comment.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation is intended to establish standards and schedules for collecting fees for processing licensing applications. The fees are to be used for training staff and employees of assisted living facilities, adult day care centers, and child welfare agencies. Training for staff and employees ultimately has a positive impact on the safety and welfare of those served by assisted living facilities, adult day care centers and child welfare agencies. The regulation is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

DSS recommends that this regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has a positive impact on families with children and adults receiving care in licensed facilities. The fees collected for processing licenses are used for the development and delivery of training for operators and staff of facilities, centers and agencies, which enhances the quality of care provided.