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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Department for Aging and Rehabilitative Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	22VAC30-110
<b>VAC Chapter title(s)</b>	Assessment in Assisted Living Facilities
<b>Action title</b>	Amend ALF Assessment regulations to comport with changes pursuant to the 2022 Appropriation Act
<b>Final agency action date</b>	July 5, 2022
<b>Date this document prepared</b>	July 5, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This action amends 22VAC30-110, Assessment in Assisted Living Facilities, to comport regulatory language with [Item 335 F of the 2022 Appropriation Act](#). Accordingly, the Department for Aging and Rehabilitative Services (DARS) is removing regulatory content referencing the responsibility of the Department for Medical Assistance Services (DMAS) to reimburse assessors for conducting assessments and adding language to indicate that the cost of ALF assessments conducted by qualified assessors identified in 22VAC30-110-20 for public pay individuals shall be borne by each entity conducting the assessment.

This action also makes a technical change to update an outdated Code of Virginia citation in the definition of “public human services agency.” The reference to “Chapters 6.1 and 9 (§§ 23-50.4 et seq. and 23-62 et seq.) of Title 23” is stricken and replaced with “Chapters 22 and 23 (§§ 23.1-2200 et seq. and 23.1-2300 et seq.) of Title 23.1.”

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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[Item 335 F of 2022 Appropriation Act](#) directs the Commissioner of the DARS to promulgate regulations to reflect that 1) the DMAS is no longer the entity responsible for payment of/for completed assessments and authorizations of ALF placement for public pay individuals, and 2) the cost of ALF assessments conducted by qualified assessors identified in 22VAC30-110-20 for public pay individuals shall be borne by each entity conducting the assessment.

## Statement of Final Agency Action

*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.*

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The DARS Commissioner approved the revisions to 22VAC30-110, Assessment in Assisted Living Facilities, on July 5, 2022.