



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-80
Regulation title	General Procedures and Information for Licensure
Action title	Amend sections 22 VAC 40-80-160, 22 VAC 40-80-170, and 22 VAC 40-80-510
Final agency action date	December 15, 2010
Document preparation date	November 9, 2010

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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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.

Sections 22 VAC-40-80-160 and 22 VAC 40-80-180 are amended to make the language consistent with § 63.2-1706 of the Code of Virginia especially changes that became effective July 1, 2010.

The first change to Section 22 VAC-40-80-160 specifies that applicants and licensees must at all times afford the department's representatives reasonable opportunity to inspect all of the facility's buildings. The second change to the section specifies that interviews with persons living or participating in a facility or under the facility's custody, control, direction or supervision of an applicant for licensure or licensee must be authorized by the person to be interviewed or his legally authorized representative and the interview limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations, including ascertaining if assessments and reassessments of residents' cognitive and physical needs are performed as required under regulations of the Board. A correction to a regulation number was also made in this section.

The change to Section 22 VAC-40-80-180 specifies that for any assisted living facility issued a license or renewal for a period of one, two, or three years, there shall be at least one inspection each year, which shall be unannounced, and as needed based on compliance with applicable laws and regulations.

Section 22 VAC 40-80-510 is amended to correct a Code citation.

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 final regulation General Procedures and Information for Licensure (22 VAC 40-80) was approved by the State Board of Social Services on December 15, 2010.

Family impact

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

The regulation has no direct impact on the institution of the family or family stability.

Periodic review

If this final regulation is not the result of a periodic review of the regulation, please delete this entire section. If this final regulation is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

Commenter	Comment	Agency response

No comments were received during the public comment period.

The regulation meets the criteria set out in Executive Order 14 in that it facilitates the efficient and effective operation of state government by clarifying the requirements for the issuance and maintenance of a license to operate an assisted living facility, adult day care center, or child welfare agency. The regulation is necessary for the protection of public health, safety, and welfare and is clearly written and easily understandable.