



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-80
Regulation title	General Procedures and Information for Licensure
Action title	Information for Licensure-General Procedures
Final agency action date	May 17, 2013
Document preparation date	May 17, 2013

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.

These regulatory changes will bring General Procedures and Information for Licensure into conformity with changes made to §§ 63.2-1702 and 63.2-1707 of the Code of Virginia by the 2013 Session of the General Assembly (Chapters 182 and 545 of the 2013 Acts of Assembly).

Regulatory changes include:

- Add to subsection C of 22VAC40-80-20 (Preplanning) a statement that on receipt of the initial application, the department will investigate the financial responsibility of the applicant.
- Create in 22VAC40-80-160 (The Investigation) a new subsection A stating that upon receipt of a new application the commissioner shall (1) investigate the activities, services and facilities of the applicant and his character and reputation, (2) if the applicant is an association, partnership, limited liability company or corporation, investigate the character and reputation of its officers and agents, and (3) upon receipt of the initial application, investigate the applicant's financial responsibility. The remainder of this standard has been re-lettered to reflect this addition.

- Add to subsection C (new D) of 22VAC40-80-160 language stating that records containing confidential proprietary information furnished to the department pursuant to this section shall be exempt from disclosure and that at the time of the initial inspection, the financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference.
- An exception in subsection C (new D) of 22VAC40-80-160 pertaining to inspection of financial records of child welfare agencies was deleted, as the new language regarding inspection of financial records will also apply to child welfare agencies.

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 State Board of Social Services took final action on the General Procedures and Information for Licensure regulations, 22VAC40-80, on May 17, 2013.

Family impact

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

This regulatory action does not have a direct impact on families and family stability. It will change the financial documentation reviewed by DSS to determine the financial responsibility of applicants for licensure.