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Proposed Regulation Agency Background Document

Agency name	Department for Aging and Rehabilitative Services
Virginia Administrative Code (VAC) citation(s)	22 VAC 30-100
Regulation title(s)	Adult Protective Services
Action title	Revise Adult Protective Services Regulations
Date this document prepared	October 24, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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.

The intent of the proposed action is to review and make needed amendments to 22VAC30-100, Adult Protective Services. 22VAC30-100 establishes standards for local departments of social services (LDSS) for the provision of Adult Protective Services (APS) investigations and post-investigation services. It provides guidance on the imposition of civil penalties on mandated reporters who fail to report suspected adult abuse, neglect, or exploitation. The regulation outlines important definitions used during the course of reporting adult abuse, neglect, and exploitation; APS investigations; and the provision of services to adults who may be victims. The regulatory language also addresses the specific actions the local departments must take.

This regulatory action seeks to assess all current regulation content and clarify content that may be unclear, inconsistent, or obsolete. Additionally, it is necessary to add new language that establishes a process to afford certain alleged perpetrators of adult abuse, neglect, or exploitation the opportunity to review the actions taken by the local department. The Office of the Attorney General (OAG) required the Department for Aging and Rehabilitative Services (DARS) to incorporate this language into the regulation.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

APS-Adult Protective Services
 DARS-Department for Aging and Rehabilitative Services
 DSS-Department of Social Services
 LDSS-Local department of social services
 OAG-Office of the Attorney General
 SFY-State fiscal year

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “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.”

This chapter necessitates updates to clarify policies and conform to current practices following the transfer of the regulations from Department of Social Services (DSS) to DARS in 2013.

The OAG has required DARS to incorporate right to review language into the regulation.

The chapter needs to be amended to incorporate Chapter 694 of the 2016 Acts of Assembly regarding procedure for a party to file a petition for reconsideration of an agency's decision from a formal hearing under the Administrative Process Act (APA).

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Section 51.5-148 of the Code of Virginia gives DARS the responsibility for the planning, administration, and implementation of APS in the Commonwealth. In addition, § 51.5-148 establishes the provision of these services by LDSS and subject to the regulations promulgated by the Commissioner of DARS. Finally, § 51.5-131 of the Code of Virginia authorizes the Commissioner of the DARS to promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth administered by the Department (DARS).

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

This regulatory action will amend and clarify language describing LDSS actions during the provision of APS to vulnerable adults in the Commonwealth. The standards ensure that an adult’s health and safety remain a primary focus when services are provided to victims of adult abuse, neglect, or exploitation.

The right to review process will establish requirements ensuring that alleged perpetrators are afforded the opportunity to dispute the investigative findings of the LDSS while also balancing the safety and welfare of adult victims.

This regulatory action will ensure that the regulation content is precisely written. Clarity in regulation content is essential to ensuring that the adult’s health and safety needs are most appropriately met.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

Proposed changes include clarifying definitions and other regulation text as well as amending content that is obsolete or inconsistent. The intention is also to review regulatory language to ensure requirements adequately address the safety of the adult who is receiving services, while also balancing the adult’s right to self-determination.

The regulatory language will explain the requirements regarding workers’ case documentation, including entering the case record into the state database of record. DARS guidance has included this information for several years but it is necessary to include it in regulation. This action will also eliminate regulatory language that may be redundant or confusing to workers.

The section that addresses civil penalties will provide a more detailed process for each step in imposing a civil penalty. OAG determined that the current language is not as precise as it needs to be.

A new section will establish a right to review process for alleged perpetrators of adult abuse, neglect, or exploitation. Guidance provided by the OAG stated that this process needed to be established.

Other revisions to the regulation content may also be proposed based on public comment.

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

- (1) The amendments to the regulation content ensure that the needs of older adults and individuals with disabilities are met during APS investigations and service provision.
- (2) With the exception of the addition of the right to review process, the amendments to the regulation clarify but do not increase LDSS staffs’ responsibilities. The majority of the regulatory content comports with current manual guidance and current LDSS practice. The increase in responsibilities regarding right to review are balanced by the need to ensure that an individual who the LDSS identifies as the alleged perpetrator of adult abuse, neglect, or exploitation is

afforded the opportunity to address this issue with the LDSS. The right to review process does not undermine or conflict with any due process protections afforded the alleged perpetrator by other licensing, regulatory or legal authorities.

- (3) Amendments to the section addressing civil penalties clarify the process and more thoroughly explain that the responsibilities of individuals involved in the imposition of a civil penalty when a mandated reporter fails to report. Most mandated reporters are regulated by other state agencies.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no federal requirements that address APS.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

The regulatory changes do not affect other state agencies.

Localities Particularly Affected

No locality is disproportionately impacted by the proposed regulation, unless a significant number of perpetrators in a particularly locality choose to request a right to review. Overall, the proposed regulatory language provides statewide uniform standards to which LDSS must adhere without regard to locality.

Other Entities Particularly Affected

The regulatory changes do not affect other entities.

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, please identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that this is change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources 	<p>DARS would experience minimal impact from the promulgation of this regulation. DARS APS Division staff would be responsible for updating manuals and training materials, activities that are part of routine work responsibilities and performed with existing Division funding. Any reconsiderations of the imposition of a civil penalty can be absorbed by the current DARS state staffing and funding levels.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>The projected cost to the state, particularly DSS, to implement this regulation is estimated at \$160,975 annually. DSS is responsible for the state's portions of local department operations.</p> <p>The state would experience a fiscal impact because of the implementation of the right to review process. Additional staff time in local departments would be required to perform these reviews. Staff in local departments of social services are state supported. Local APS staff are funded with 84.5% state general funds and 15.5% local funds.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The regulation has the beneficial impact of providing a consistent framework during the provision of APS in Virginia.</p>

Impact on Localities

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p>The projected cost to localities to implement this regulation is estimated to be \$29,528 annually.</p> <p>Localities would experience a fiscal impact because of the implementation of the right to review process. Additional staff time in local departments would be required to perform these reviews. Staff in local departments of social services are state supported. Additional local APS staff would be funded with 84.5% state general funds and 15.5% local funds.</p> <p>In SFY 2018 there were just under 12,000 APS reports with a disposition of needs protective services and accepts, needs protective services and refuses and need for protective services no longer exists. Approximately, 7,100 of these cases were substantiated for self-neglect in which the elderly or incapacitated adult neglected himself, and therefore, was considered the perpetrator. The proposed regulatory content does not mandate LDSS offer a right to review to an individual who may be self-neglecting.</p>
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	<p>LDSS are only mandated to offer a right to review when the alleged perpetrator has been referred to a licensing, regulatory, or legal authority and the case has been substantiated. By subtracting self-neglect cases, the APS Division estimates that 4,746 (11,924-7,178) substantiated cases involved abuse, neglect, or exploitation perpetrated by another individual, who may request a review hearing. DSS Child Protective Services (CPS) Accountability data indicates that 9% of founded CPS cases undergo an appeal. It is reasonable to assume that the same percentage of alleged perpetrators of adult abuse, neglect, or exploitation would request a right to review. Based on this, it is estimated that there would be 427 (4,746 x .09) right to reviews held annually pursuant to this regulation.</p> <p>It is estimated that a local APS worker would spend 7 hours of staff time per review at \$36/hour to prepare for and conduct a right to review. It is also estimated that a local director would spend 3 additional hours of staff time per review at \$63/hour to conduct a right to review. If 427 reviews occur annually, statewide staff expenses would be estimated at \$188,368 (\$107,639 + \$80,729). Postage costs are estimated at \$5 per review for a total of \$2,135. The total cost to implement the right to review process as required by this APS regulation annually is estimated to be \$190,503 (\$188,368 + \$2,135). The locality share of this cost is \$29,528 (\$190,503 x .155).</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The regulation has the beneficial impact of providing a consistent framework during the provision of APS in Virginia.</p>

Impact on Other Entities

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>The enhanced guidance regarding the imposition of civil penalties may affect mandated reporters of adult abuse, neglect and exploitation who are often employees of healthcare entities or other providers of services to older adults and people with disabilities. However, the new regulatory language provides an opportunity for reconsideration should the first review result in a recommendation of the imposition of a civil penalty.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses</p>	<p>Small businesses are not impacted by this regulation. The proposed regulatory content does not create additional requirements on small businesses.</p>

<p>affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. 	
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements. 	<p>Aside from the additional costs associated with the right to review process, there are no anticipated costs related to these regulations. The regulatory action does not change any reporting or recordkeeping requirements for LDSS. The regulatory action has no impact on the development of real estate for commercial or residential purposes.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The regulation has the beneficial impact of providing a consistent framework during the provision of APS in Virginia.</p>

Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternative action was considered because the Code of Virginia gives the DARS Commissioner oversight over the APS regulations. Amending the regulations is the least burdensome method to accomplish this purpose.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

No alternatives to the regulatory action were considered, as § 51.5-148 gives the DARS Commissioner administrative oversight for the provision of APS in Virginia and requires the promulgation of APS regulations.

The regulatory action does not change recordkeeping or reporting requirements for small businesses.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

The regulation is consistent with Executive Order 14 in that it protects the health, safety, and welfare of individuals in the Commonwealth, minimizes the economic impact on small businesses consistent with the stated objectives of applicable law, and is clearly written and easily understandable.

DARS is required to promulgate regulations related to APS pursuant to the Code of Virginia. The regulation does not overlap, duplicate or conflict with federal law. The regulation clarifies LDSS’ responsibilities.

Public Comment

Please summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Candance Haynes	Current regulations do not protect those people who are held in an emergency room and have not been declared incapacitated or incompetent, but are nonetheless unable to protect themselves due to ECO status. DBHDS and the CSB's claim they have no regulatory authority in hospitals, VDH claims they have no regulatory authority unless the person is a medicare/medicaid recipient. APS has no authority unless the person meets definition of elderly or disabled/incapacitated. This leaves those adults who are otherwise capable, vulnerable to mistreatment (in emergency departments or general hospitals) which they can neither prevent nor escape and for which they have little to no legal recourse. The CMS	LDSS have authority to initiate an APS investigation in a hospital setting as long as the report is valid. In SFY 2017, LDSS substantiated 149 investigations in hospital settings. As an emergency custody order (ECO) is issued by the court, LDSS must not violate the ECO. However, if an adult is suspected of being abused, neglected or exploited while in the hospital under an ECO, and all other validity criteria is met, this would not necessarily preclude the LDSS from initiating an APS investigation.

	<p>CoP's are very specific about the rights of all patients regarding safe environments and conditions of treatment, especially the definitions of abuse, but if an adult in Virginia does not meet specific definitions, then these CoP's have no authority.</p>	
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Public Participation

Please include a statement that in addition to any other comments on the regulatory change, the agency is seeking comments on the costs and benefits of the regulatory change and the impacts of the regulated community. Also, indicate whether a public hearing will be held to receive comments.

In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Paige McCleary, Adult Protective Services Division Director, 8004 Franklin Farms Drive, Henrico, VA 23229; paige.mccleary@dars.virginia.gov; or 804-662-7605 or 804-662-9531 (fax). Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

DARS APS Division staff drafted the regulatory content with the assistance of the following LDSS representatives:

- Catherine Bingman, James City County DSS
- Ebony Cox, Lancaster DSS
- Anjanette Gilbert, Chesterfield/Colonial Heights DSS
- Laly Goodmote, Prince William DSS
- Diane Hoffman, Charlottesville DSS
- Tammy Olivo, Washington County DSS
- Yvette Perkins, Richmond City DSS
- Kristina Robinson, Albemarle DSS
- Patricia Ryan, Newport News DSS
- Melissa Snow, Patrick County DSS
- LaWanda Thrower, Richmond City DSS
- Robin Zimmerman, Bedford DSS

Detail of Changes

Please list all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation.

If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Delete inapplicable tables.

If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
10		Defines terms used throughout the regulation	<p>Comports the definition of adult to the definition used in the Code of Virginia.</p> <p>Adds definition of APS case management information system.</p> <p>Adds acronyms DARS and APS.</p> <p>Changes “delegated” which was incorrect to “designated” and strikes unnecessary language in definition of director.</p> <p>Adds language clarifying that the local department makes the disposition.</p> <p>Comports the definition of guardian to that in § 64.2-2000 of the Code of Virginia.</p> <p>Struck unnecessary language from the definition of guardian ad litem.</p> <p>Comports the definition of incapacitated person to definition used in the Code of Virginia by changing “reasonable” to “responsible.” Makes other technical adjustments to the definition.</p> <p>Changes the terms “problems” to “condition” and “delay” to “disability” in the definition of lacks capacity to consent. These amended terms are more accurate and more person-centered.</p> <p>Struck the definition of legally incompetent because the definition is not used elsewhere in the regulation.</p> <p>Replaced Code of Virginia citation in definition of legitimate interest.</p>

			<p>Clarified the definition of mandated reporter.</p> <p>Clarified the definition of mental anguish.</p> <p>Made technical and grammatical changes to the definition of neglect.</p> <p>Clarified definition of notification.</p> <p>Removed redundant and unclear content from the definition of report.</p> <p>Added a definition for responsible person.</p> <p>Clarified that a service plan must be written.</p> <p>Clarified definition of unreasonable confinement.</p> <p>Made structural and grammatical change to definition of valid report. Some language was relocated to Section 20.</p> <p>Struck the definition of voluntary protective services. The term is not used.</p>
20		Describes APS intake and investigation.	<p>Uses acronym APS throughout section.</p> <p>Replaces local worker with local department throughout section.</p> <p>Requires that report be entered into case management system within 48 hours of receipt by the local department. Struck language that report be reduced to writing within 72 hours as this guidance was antiquated.</p> <p>Clarified that the local department shall determine validity of the report and how such determination is made using old text from the valid report definition.</p> <p>Added examples of different sources of information that a local department may contact to satisfy the requirement of initiating an investigation.</p> <p>Clarified when the LDSS shall make the face-to-face contact with alleged victim.</p>

			<p>Removed obsolete language and added requirement to enter data into the case management system.</p> <p>Clarified language regarding consultation with others.</p> <p>Added language from old section 40 A regarding APS assessments. Added an additional area of assessment. This additional area of assessment has been in guidance manual for several years but was not included in the regulation.</p> <p>Clarified guidance regarding the interview with the victim, alleged perpetrator and collaterals.</p> <p>Added clarifying language regarding which LDSS has primary jurisdiction for the investigation. In the event that primary jurisdictional authority is unclear, the new language provides additional guidance about specific scenarios, which will aid the LDSS in establishing primary jurisdictional authority.</p> <p>Added that an LDSS that may have previously served an adult but does not have primary jurisdictional authority shall provide assistance with the investigation if asked by the LDSS with primary investigative authority.</p> <p>Reordered content.</p>
40		Addresses APS assessment process and the disposition	<p>Struck APS assessment requirements as they were moved to section 20.</p> <p>Used acronym APS throughout section.</p> <p>Replaced worker with local department throughout section.</p> <p>Struck obsolete language and added reference to case management system.</p> <p>Clarified that that the LDSS's inability to determine the identity of the alleged perpetrator shall not prohibit the LDSS from issuing a disposition.</p> <p>Added "and accepts" to the first disposition description. This language was missing.</p>

			<p>Clarified the parameters in which needs protective services and accepts may occur.</p> <p>Clarified the description of the disposition of need for protective services no longer exist. The additional language will help LDSS determine when this particular disposition is appropriate.</p> <p>Added invalid as a disposition option. The current computer system allows for this selection but the regulations did not include the description.</p> <p>Clarified that the disposition shall be assigned within 45 calendar days of initiation of an investigation and entered into the case management system no later than five working days of the conclusion of the investigation.</p> <p>Made grammatical change and changed must to shall.</p> <p>Added content establishing notifications and the right to review process for certain alleged perpetrators.</p> <p>Struck incorrect and obsolete language and added correct terminology.</p>
50		Describe requirements regarding disclosure of APS information	<p>Used acronym APS throughout section.</p> <p>Changed must to shall.</p> <p>Changed prosecutor to Commonwealth's attorneys.</p> <p>Struck phrase local department to comport with definition of director in Section 10.</p> <p>Corrected Code of Virginia citation.</p> <p>Added or "other licensed health care professional" as the adult may be treated by other health care professionals such as a nurse practitioner or physician's assistant.</p> <p>Clarified that only certain requested information can be released.</p> <p>Added clarifying term adult and changed "problems" to "conditions".</p>

			Changed "chapter" to "section".
60		Describes service provision	<p>Clarified that services are to be offered when the disposition is needs and accepts.</p> <p>Moves language formerly in Section 30 to this section to address an application for services.</p> <p>Describes when the local department should open a case in the case management system for service provision.</p> <p>Clarifies language about a service plan.</p> <p>Reorders current language.</p>
70		Provides overview of civil penalties for nonreporting	<p>Changed department to Commissioner as Commissioner has authority to impose civil penalty.</p> <p>Removes redundant language.</p>
80		Describes procedures for an imposition of a civil penalty.	<p>Includes new language that establishes an initial level of review and recommendation for imposition of civil penalty, identifies steps and processes, and provides the mandated reporter the opportunity to submit a statement and request reconsideration of initial decision.</p> <p>Strikes language regarding fines. The Code of Virginia specifies the fines.</p>

If an existing regulation or regulations (or parts thereof) are being repealed and replaced by one or more new regulations, please use the following chart:

Current chapter-section number	New chapter-section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
30		Addresses application for provision of services	The section is being repealed but the language was placed in Section 60. The old Section 30 was out of order and should have been a part of Section 60.

If a new regulation is being promulgated, that is not replacing an existing regulation, please use this chart:

New chapter-	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
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section number			
45	<p>Describes the process by which the alleged perpetrator can request a review hearing of the LDSS's investigative findings. The process allows the alleged perpetrator the opportunity to dispute the LDSS's findings.</p> <p>Clarifies that an LDSS may continue to offer services to the adult even if the director or his designee reverses the identity of the alleged perpetrator and sustains the disposition of needs protective services and accepts.</p> <p>Added language from § 63.2-1605 J of the Code of Virginia regarding findings and actions of the LDSS.</p>		<p>The right to review process will establish requirements ensuring that alleged perpetrators are afforded the opportunity to dispute the investigative findings of the LDSS while also balancing the safety and welfare of adult victims.</p> <p>The impact on LDSS is further described in the Economic Impact section.</p>