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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	22VAC40-90
<b>Regulation title(s)</b>	Regulation for Criminal Record Checks for Assisted Living Facilities and Adult Day Care Centers
<b>Action title</b>	Continued Employment Provisions for ALF and Adult Day Care
<b>Final agency action date</b>	August 17, 2016
<b>Date this document prepared</b>	August 17, 2016

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) or an agency's basic statute, the agency is not required, however, 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This regulatory action amends the regulation to add a requirement that assisted living facilities and adult day care centers not continue to employ any person who has a conviction of any of the barrier crimes. The regulation as it currently exists prohibits a facility from hiring an individual who has been convicted of a barrier crime, but does not address continued employment. The regulatory action incorporates the requirement regarding continued employment established by Chapter 632 of the 2016 Acts of Assembly.

### 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.*

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The State Board of Social Services took final action on 22VAC40-90, Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers, on August 17, 2016.

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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This regulatory action will not have any impact on the institution of the family and family stability.