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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-73
VAC Chapter title(s)	Standards for Licensed Assisted Living Facilities
Action title	Amend ALF Regulation as a Result of 2021 Legislation
Final agency action date	8/18/2021
Date this document prepared	8/18/2021

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 regulatory action will make the Standards for Licensed Assisted Living Facilities consistent with the Code of Virginia, as amended by Chapter 525 of the Acts of Assembly. Chapter 525 has an effective date of July 1, 2021.

Section 540 will be amended to add that, during a declared public health emergency related to a communicable disease of public health threat, assisted living facilities establish a protocol to receive visits from a rabbi, priest, minister, or clergyman of any religious denomination or sect. This is consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive or audiovisual technology and may require the person visiting a resident to comply with

all reasonable requirements of the assisted living facility adopted to protect the health and safety of the person, residents, and staff of the assisted living facility.

[RIS2]

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."

The impetus is a new mandate. The action will make the Standards for Licensed Assisted Living Facilities consistent with the Code of Virginia, as amended by Chapter 525 of the 2021 Special Session I of the General Assembly.

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.

On August 18, 2021, the State Board of Social Services took final action to amend the Standards for Licensed Assisted Living Facilities.