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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-160
VAC Chapter title(s)	Fee Requirements for Processing Applications
Date this document prepared	April 6, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

DSS – Department of Social Services
VAC – Virginia Administrative Code
ALF – Assisted Living Facilities
ADC – Adult Day Centers
CWA – Child Welfare Agencies

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The State Board of Social Services has the legal authority to adopt regulations and requirements for licensing fees for ALF, ADC, and CWA in accordance with §§ 63.2-217 and 63.2-1700 of the Code of Virginia. This periodic review was initiated to determine if the regulation should be retained, repealed, or amended.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

This regulation contains schedules and procedures for licensing fees that are applicable to the department’s licensed programs but are not included in the programmatic regulations. This regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received and no advisory group was formed for the purpose of assisting in the periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation meets the criteria set forth in Executive Order 19 (2022). The regulation is necessary for the protection of the health, safety and welfare of the children and adults served by ALF, ADC and CWA. It provides information on the fees and method of payment options available to licensed DSS programs to submit payments for licensure fees. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The agency recommends amending the regulation to increase the fees for licenses as the annual fees have remained unchanged since 1991.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This regulation is necessary to provide information regarding licensure fees. There were no comments received regarding the regulation. The regulation is concise and understandable. The regulation does not overlap or duplicate any other federal or state law or regulation. Past regulatory actions were completed in 2017 to make technical changes, in 2021 to remove child day programs which transferred to the Board of Education, and in 2022 to update the licensing fee payment options to include an online payment system. The regulation now needs to be amended to increase the fees assessed to licensed programs. The amendments may have a minimal economic impact on small businesses which operate licensed programs.
