



## Exempt Action Final Regulation Agency Background Document

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| <b>Agency name</b>                                 | State Board of Social Services  |
| <b>Virginia Administrative Code (VAC) citation</b> | 22 VAC 40-90  |
| <b>Regulation title</b>                            | Regulation for <del>Criminal Record</del> <u>Background</u> Checks for Assisted Living Facilities and Adults Day Care Centers |
| <b>Action title</b>                                | Amend regulation to comply with provisions of the Code of Virginia  |
| <b>Final agency action date</b>                    | April 20, 2005  |
| <b>Document preparation date</b>                   | April 20, 2005  |

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, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### 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.*

The exempt action requires applicants for approval as a licensed assisted living facility to provide background checks, per provisions in the Code of Virginia. The action amends the regulation to use the terms "background checks" and "sworn statement or affirmation" as these terms appear in the Code of Virginia, per the recodification of Title 63.2 in 2002. The action also adds Code of Virginia provisions that the Commissioner provide a copy of the sworn statement or affirmation or the criminal history record report if the applicant is denied licensure because of information in either of these documents. Finally, the exempt action adds Code of Virginia provisions about further dissemination of the background checks information and the Commissioner's responsibility to not issue a license to an assisted living facility if an applicant for licensure has an offense as defined in § 63.2-1719.

### 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 22 VAC 40-90, Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers, on April 20, 2004.

### Family impact

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

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The institution of the family and family stability will be enhanced because family members will have the added assurance that applicants for licenses assisted living facilities are not guilty of a criminal offense as defined in the Code of Virginia.