



## Exempt Action Final Regulation Agency Background Document

<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 Background Checks for Assisted Living Facilities and Adult Day Care Centers
<b>Action title</b>	Amend regulation to comply with Code of Virginia provisions
<b>Final agency action date</b>	June 14, 2006
<b>Document preparation date</b>	June 14, 2006

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.*

Revision of this regulation is needed due to a change in the Code of Virginia resulting from Chapters 764 and 701 of the 2006 Acts of Assembly. The change will take effect on July 1, 2006. The exempt action also includes additional revisions due to Code of Virginia changes resulting from Chapters 610 and 924 of the 2005 Acts of Assembly. This regulation specifies crimes that are barriers to employment in assisted living facilities and in adult day care centers, and to licensure of assisted living facilities. The regulation also specifies the processes for obtaining and maintaining criminal record reports and sworn statements or affirmations.

This exempt action addresses the provision that allows applicants for employment at assisted living facilities and adult day care centers to be hired if they have been convicted of one misdemeanor crime not involving abuse or neglect or moral turpitude, if five years have elapsed following the conviction. The exempt action changes this provision by eliminating moral turpitude. Other revisions include clarification and further specification in the definitions of "applicant for licensure," "barrier crimes," and "sworn statement or affirmation." In addition, the revisions include specific information regarding which persons

must undergo a background check when applying for assisted living facility licensure. Other minor changes for clarification are included, as well as changes of a purely technical nature.

### 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 approved on June 14, 2006, the final exempt regulation entitled *Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers*, 22 VAC 40-90.

### 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 the regulation continues to provide the protection offered by background checks, resulting in increased confidence related to care in assisted living facilities and adult day care centers.