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Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22VAC40-73
Regulation title(s)	Standards for Licensed Assisted Living Facilities
Action title	Assisted Living Facility Mixed Population Staffing Requirement
Final agency action date	June 20, 2018
Date this document prepared	June 20, 2018

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 proposed regulatory action is necessary to implement the requirement of Senate Bill 875 and House Bill 1439 (identical bills) of the 2018 General Assembly to allow an exception to the staffing requirement for assisted living facilities that provide care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare that at least two direct care staff members be awake, on duty, and responsible for the care and supervision of residents in each building at all times when residents are present.

This regulatory action amends 22VAC40-73-1020 and 22VAC40-73-1130, to add the exception to the staffing requirement for assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments. For assisted living facilities that meet the

exception, the current staffing requirements of 22VAC40-73-280.D, Standards for Licensed Assisted Living Facilities, would apply.

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.

The State Board of Social Services approved the exempt action for 22VAC40-73, Standards for Licensed Assisted Living Facilities, on June 20, 2018.

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.

This regulatory action could potentially lower costs for assisted living care in some smaller facilities, which could make them more affordable for potential residents or their families and still protect the health, safety and welfare of residents.