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Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22VAC40-80
Regulation title(s)	General Procedures and Information for Licensure
Action title	Amend General Procedures and Information for Licensure to Comply with the Code
Final agency action date	8/21/2019
Date this document prepared	8/21/2019

While 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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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 bring General Procedures and Information for Licensure into conformity with statutory changes made during the 2019 General Assembly session. The regulation will be amended to allow the Commissioner of Social Services to issue a notice of summary suspension of the license of a child welfare agency in addition to assisted living facilities. The procedures for issuing the notice and completing a hearing will also be amended to bring the regulation into conformity with the Code changes found in Chapter 449 of the 2019 Acts of Assembly (SB 1435).

Mandate and Impetus

Please 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, board decision, etc.). "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory action will bring General Procedures and Information for Licensure into conformity with the Code of Virginia that changed due to legislation from the 2019 General Assembly session which became effective July 1, 2019. Changes are needed to conform with §§ 63.2-1709, 63.2-1709.1, and 63.2-1710.1 of the Code of Virginia (Chapter 449 of the 2019 Acts of Assembly).

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.

On August 21, 2019 the State Board of Social Services approved the exempt action to amend General Procedures and Information for Licensure, 22VAC40-80.

Periodic Review Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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.

This action is not the result of a periodic review/small business impact review.