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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	22 VAC40-665
<b>Regulation title(s)</b>	Child Care Program
<b>Action title</b>	Amend First Aid Training Provisions for Subsidy Vendors
<b>Final agency action date</b>	
<b>Date this document prepared</b>	April 15, 2020

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 is necessary to bring state Child Care Subsidy Program requirements into compliance with CFR Title 45 – Public Welfare and Human Services, Part 98 Child Care and Development Fund, Section 98.41 (a) (1) (x) Pediatric First Aid and CPR. Changes to this regulation modify first aid training requirements for child care providers participating in the Subsidy Program to include “age appropriate” in the reference to first aid.

## 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

A recently concluded federal monitoring review of the Virginia Child Care Subsidy Program determined that Virginia is not in compliance with the requirement for "age appropriate" first aid training for child care providers participating in the Subsidy Program. Changes to this regulation are required to comply with CFR Title 45 – Public Welfare and Human Services, Part 98 Child Care and Development Fund, Section 98.41 (a) (1) (x) Pediatric First Aid and CPR. The current language simply requires first aid training.

## 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 took final action on 22VAC40-665, Child Care Program, on April 15, 2020.

## 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.*

Not applicable.