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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-73
VAC Chapter title(s)	Standards for Licensed Assisted Living Facilities
Action title	Add Provisions for Individualized Service Plans
Final agency action date	8/19/2020
Date this document prepared	8/19/2020

Although 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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

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 make the Standards for Licensed Assisted Living Facilities consistent with the Code of Virginia, as amended by Chapter 938 of the Acts of Assembly (SB686), Chapter 938 has an effective date of July 1, 2020.

The regulation will be amended at 22VAC40-73-450 to add that individualized service plans be reviewed and updated at least every 12 months or sooner if modifications to the plan are needed due to a significant change in the resident's condition. Any deviation in the individualized service plan must be documented in writing, including a description of the circumstances warranting deviation, the date such deviation will occur, certification that such deviation was provided to the resident or his legal representative, and included in the residents file. In the case of deviations that are made due to a significant change in the resident's condition, the individualized service plan must be signed by an authorized representative of the assisted living facility and the resident or his legal representative.

Mandate and Impetus

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, or board decision). "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."

Chapter 930 is a section one bill requiring the State Board of Social Services to amend this chapter to add provisions related to individualized service plans in assisted living facilities.

Statement of Final Agency Action

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 19, 2020, the State Board of Social Services approved the exempt action to amend the Standards for Licensed Assisted Living Facilities.