

Regulatory Review Checklist

TO ACCOMPANY PRELIMINARY DETERMINATION PACKAGE

Agency Va. Dept. of Social Services _____

Regulation title Standards and Regulations for Agency Approved Providers (22 VAC 40-770-10 et seq.) _____

Purpose of the regulation This regulation establishes standards used by local departments of social services to approve and regulate service providers including home-based services providers, foster parents, family and in-home day care providers, adult foster/family care providers, and adoptive parents. _____

Summary of items attached:

- Item 1:** An explanation of the specific reason for the proposed regulation.
- Item 2:** A statement identifying the source of the agency legal authority to promulgate the contemplated regulations and a statement as to whether the contemplated regulation is mandated by state law or federal law or regulation, and, if mandated in whole or in part, a succinct statement of the source (including legal citation) and scope of the mandate. **(Be sure to attach a copy of all cited legal provisions).**
- Item 3:** A statement setting forth the reasoning by which the agency has concluded that the contemplated regulation is essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important governmental function.
- Item 4:** A statement describing the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the essential purpose, the alternatives considered or to be considered (to the extent known), and the reasoning by which the agency has rejected any of the alternatives considered.
- Item 5:** A statement describing the impact that the proposed regulation is likely to have on family formation, stability and autonomy.

Signature of Agency head

Date forwarded to
DPB & Secretary

VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Preliminary Determination Package

Regulation Title: Standards and Regulations for Agency Approved Providers.

Item 1: This regulation establishes standards used by local departments of social services to approve and regulate service providers including home-based services providers, foster parents, family and in-home day care providers, adult foster/family care providers, adult day care providers, and adoptive parents.

Item 2: The *Code of Virginia*, §§ 63.1-25 and 63.1-56, are the sources of the legal authority to promulgate the regulation. This regulation does not exceed the scope of the mandate.

Item 3: This regulation is necessary to protect the health, safety, and welfare of citizens. These standards are designed to set a base of quality in purchasing care and making placements for vulnerable adults and children. Because of these standards, assurances can be made that the care purchased or arranged meets minimum health and safety standards and supports care which is conducive to the health, safety, and well-being of customers. This regulation is intended to reduce the risk of harm to clients and offer families assurances that providers and their homes meet reasonable qualifications.

Item 4: This action is requested as the result of an Executive Order 25 review which requires a review of all existing agency regulations. Previous General Assembly action has necessitated the need for an amendment to this regulation. Specifically, "reason to suspect" language for child protective services reports must be removed and additional crimes which would prohibit an individual from caring for a child must be added. Suggestions received through public comment following the Executive Order 15 review will also be considered.

Item 5: This regulation affects service providers including home-based services providers, foster parents, family and in-home day care providers, adult foster/family care providers, adult day care providers, and adoptive parents. It is intended to have a positive effect on family formation, stability, and autonomy in that families can be assured that service providers meet at least minimum standards for the care provided to loved ones who need assistance.