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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 Authorization to Practice for Assisted Living Facilities
Final agency action date	August 21, 2024
Date this document prepared	June 25, 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 implement Chapter 390 of the 2024 Acts of Assembly adding assisted living facilities to the list of eligible health care employers for which a health care practitioner licensed, certified, or registered in another state or the District of Columbia may temporarily practice for one 90-day period, provided that the practitioner is contracted by or has received an offer of employment in the Commonwealth from the health care employer and when certain other conditions are met. This law became effective on July 1, 2024.

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). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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 390 of the 2024 Acts of Assembly adds provisions for health care practitioners to temporarily practice in assisted living facilities. Amendments are needed in the *Standards of Licensed Assisted Living Facilities*, 22VAC40-73, to allow temporary authorization for administrators pursuant to § 54.1-2408.4 of the Code of Virginia. Advocates support this change aimed at alleviating workforce shortages.

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.

The State Board of Social Services approved the exempt action for the *Standards for Licensed Assisted Living Facilities*, 22VAC40-73, on August 21, 2024.