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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)	<i>Standards for Licensed Assisted Living Facilities</i>
Action title	2026 Legislative changes for ALF
Final agency action date	August 17, 2026
Date this document prepared	August 17, 2026

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 action will implement the provisions of Chapter 323 and 496 of the 2026 Acts of Assembly.

Chapter 323 of the 2026 Acts of Assembly amended § 63.2-1701 of the Code of Virginia to require all assisted living facilities to have and maintain an automated external defibrillator (AED) and staff trained to use the device, prior to the issuance of an initial or renewal of a license to operate. The amendments in this action add the AED requirements to Section 260 which currently outlines requirements for first aid and cardiopulmonary resuscitation (CPR). The amendments in this action add requirements in sections 210 and 990 to ensure staff are trained to use the device.

Chapter 496 of the 2026 Acts of Assembly permits residents of assisted living facilities to have electronic monitoring devices placed in their rooms. This legislation contains provisions establishing the requirements for the placement, utilization, and associated costs of any such electronic monitoring device.

in any resident's room. A new section 755 is added to capture the provisions from the legislation. Amendments to section 390 ensure that the required policies and procedures regarding electronic monitoring are outlined for residents or their legal representatives in the resident agreement.

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."

This regulatory action is required to implement the provisions of Chapter 323 and 496 of the 2026 Acts of Assembly.

This action is exempt from the provisions of the Virginia Administrative Process Act (§ 2.2-4000 *et. seq.* of the Code of Virginia) pursuant to § 2.2-4006 (A) (4) (a) which specifies the exemption of regulations that are "necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date."

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On **XXX** the Board of Social Services adopted final amendments to the *Standards for Licensed Assisted Living Facilities*.