

# Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-121
Regulation Title:	Minimum Standards for Licensed Family Day Systems
Action Title:	Proposed new regulation
Date:	April 19, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

## **Purpose**

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

This regulation is considered essential to protect the health, safety, and welfare of children who are separated from their parents during a part of the day by (i) establishing standards to ensure that the activities, services, and facilities of a family day system are conducive to the health, safety, and well-being of children and (ii) by reducing the risk of harm to children in a family day system member home.

#### Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

§§ 63.1-25, 63.1-195, 63.1-196, and 63.1-202 of the Code of Virginia provide the legal authority for the State Board of Social Services to promulgate regulations for family day systems. The Code of Virginia mandates the licensure of family day systems by the Commissioner of Social

Services. The State Board of Social Services is mandated to promulgate regulations for the activities, services, and facilities of family day systems to ensure that the activities, services, and facilities are conducive to the welfare of the children in care.

#### **Substance**

Form: TH-01

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

This regulation will incorporate the repealed Minimum Standards for Licensed Family Day Care Systems (22 VAC 40-120-10 et seq.) and necessary amendments into a proposed regulation entitled Minimum Standards for Licensed Family Day Systems (22 VAC 40-121-10 et seq.). The text will be reorganized and reworded for clarity as has been requested by licensed family day systems and regional licensing staff. Attached is a matrix outlining the issues that will be addressed in the proposed regulation.

### **Alternatives**

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The following methods were used to identify less burdensome and less intrusive alternatives for achieving the essential purpose of the regulation:

- 1. Notice of the 20-day public comment period for the periodic review published in The Virginia Register February 15, 1999;
- 2. Notice of the 20-day public comment period for the periodic review mailed to licensed family day systems, regional licensing offices, and individuals on the interested parties list for the regulation;
- 3. Interviews with regional licensing administrators and regional children's programs licensing specialists;
- 4. Interviews with child care advocates and licensed family day systems' staff;
- 5. Review of comments received during the 20-day public comment period for the periodic review;
- 6. Review of written suggestions received from the licensed family day systems;
- 7. Review of technical assistance questions that have been received on the current standards; and
- 8. Review of all other Virginia Department of Social Services' licensing standards for children's and adult's programs.

## Family Impact Statement

Form: TH-01

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This proposed regulation will strengthen the authority and rights of parents in the education, nurturing, and supervision of their children. The following components of the proposed regulation will enable parents to be better informed when making decisions about child day care: clarifications which make the requirements for licensed family day systems easier to understand, the incorporation of Code requirements that prohibit licensees from using misleading advertising, and the addition of requirements allowing parents access to information on complaints and compliance history on systems' member homes.

The proposed regulation encourages economic self-sufficiency, self-pride, and the assumption of responsibility for one's self, one's spouse, and one's children. Parents will be able to be employed and have the assurance that their children are being cared for by family day systems' member homes which have requirements protecting the health, safety, and welfare of the children.

The proposed regulation has no impact on marital commitment.

Potentially, the regulation could have a positive impact on disposable family income. Parents will have the option of safe care for their children in systems' member homes. Having this option could result in having the parent decide to enter the workforce. The regulation also increases the number of homes in a system home visitor's caseload so a system would have to employ fewer staff members. This could result in a decrease in the fees charged to parents by the system.

REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION	CHANGE	JUSTIFICATION
SECTION	SECTION	Regulation will use term "Licensed Family Day Systems" instead of "Licensed Family Day Care Systems"	Change in language in Code of Virginia
PART I INTRODUCTION			
22 VAC 40-120-10 B	22 VAC 40-121-10	Added definitions of assistant, caregiver,	Clarity and consistency in licensing standards;
§ I. B.	Definitions	good character and reputation, parent, provider, regional licensing office, and substitute provider	matches the definitions used in the Minimum Standards for Licensed Family Day Homes
22 VAC 40-120-10 B	22 VAC 40-121-10	Changed definition of child	Same as above
§ I. B.	Definitions		
22 VAC 40-120-10 B § I. B.	22 VAC 40-121-10 <b>Definitions</b>	Changed definition of day care to child day	Same as above
§ 1. B.	Definitions	program as defined in the Code of Virginia	
22 VAC 40-120-10 B	22 VAC 40-121-10	Changed definition of department's	Same as above
§ I. B.	Definitions	representative	
22 VAC 40-120-10 B	22 VAC 40-121-10	Changed definition of family day system	Clarity; matches the definition used in the
§ I. B.	Definitions		Code of Virginia
22 VAC 40-120-10 B	22 VAC 40-121-10	Changed definition of family day system	Clarity; incorporates changes made to
§ I. B.	Definitions	home	definition of family day home in the Code of Virginia

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REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION		
22 VAC 40-120-10 A	22 VAC 40-121-20	Reworded legal base	Clarity
		section to give more	
§ I. A.	Legal Base	specific references to	
		the Code of Virginia.	
None	22 VAC 40-121-30	Added section	Clarity
		explaining the purpose	
	Purpose and	and applicability of the	
	applicability	regulation;	
22 VAC 40-120-10 C	None	Eliminated information	This information is
		on licensure procedures	included in the
§ I. C.		1	regulation, General
			Procedures and
The license			Information for
			Licensure (22 VAC 40-
			80-10 et seq.)
PART II			00 10 et seq.)
ORGANIZATION			
AND			
ADMINISTRATION			
	22 VAC 40-121-40	Reworded	Clarity
22 VAC 40-120-20 A	22 VAC 40-121-40	Reworded	Clarity
e II A	T		
§ II. A.	Licensee	THE STATE OF THE S	761
22 VAC 40-120-20 B	None	Eliminated	Makes regulations
		requirements for	more consistent with
§ II. B.		governing board	other regulations for
			family day care
			programs
None	22 VAC 40-121-50	Added section	Clarity
		consolidating and	
	General requirements	further explaining the	
	of the licensee	responsibilities of the	
		licensee	
22 VAC 40-120-F	22 VAC 40-121-60	Reworded	Clarity
§ II. F.	Family day system		
8 11. 17.			
	setting	1	1

REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION		
22 VAC 40-120-20 C 1	22 VAC 40-121-70	Eliminated	Clarity; consistency
		requirements for goals	with other regulations
§ II. C. 1.	Program description	and added requirement	for family day care
		for program description	programs
22 VAC 40-120-20 C 2	22 VAC 40-121-80	Reworded	Clarity
and 22 VAC 40-120-			
60 B	Policies and		
	procedures for		
§§ II. C. 2. and IV. B.	administration of		
	system		
22 VAC 40-120-20 D 1	22 VAC 40-121-90	Reworded	Clarity and
and 22 VAC 40-120-			simplification;
20 D 2	System financing plan		consistency with other
			regulations for family
§§ II. D. 1 and II. D. 2.			day care programs
22 VAC 40-120-20 D 3	22 VAC 40-121-100	Reworded	Clarity and
			simplification
§ II. D. 3.	Fee and payment		
	schedules		
22 VAC 40-120-20 G	22 VAC 40-121-110	Reworded	Clarity
, T G			
§ II. G.	Number of member		
	homes		
None	22 VAC 40-121-120	Added section	Requirement of the
		prohibiting licensee	Code of Virginia
	Misleading	from using deceptive or	
	advertisement	misleading advertising	

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REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION 22 HAG 40 121 120		D 11
None	22 VAC 40-121-130	Added requirements	Public comment
		for licensee to make	received during
	Public access to	available information	periodic review of
	records	on complaints and	regulation identified
		compliance history of	problem of lack of
		member homes	public access to
			information on member
			homes; Office of
			Attorney General
			suggested section be
			added to regulation
22 VAC 40-120-60 A 4	22 VAC 40-121-140	Added more specific	Clarity and consistency
		information on	with other regulations
§ IV. A. 4.	Confidentiality	confidentiality	for family day care
		requirements	programs
22 VAC 40-120-20 E	22 VAC 40-121-150	Consolidated reporting	Clarity and consistency
and		requirements into one	with other regulations
22 VAC 40-120-40 B 7	Reporting	section; added	for family day care
	requirements	requirements for	programs
§§ II. E. and IV. B. 7.		reporting to the	
		department the injury,	
		loss, or death of child	
		in care; added	
		requirements for	
		reporting situations that	
		would affect the	
		operation of the system	
22 VAC 40-120-60 C	22 VAC 40-121-160	Added requirement for	Same as above
		system to maintain	
	System	copies of current,	
§ IV. C. 1.	administrative	relevant licensing	
	records	standards; added	
		requirement for system	
		to maintain record of	
		cumulative totals of	
		services provided to	
		member homes and	
		referrals of children to	
		health and social	
		service agencies	

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REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION 22 HAR 120 CO CO	SECTION 22 MAG 40 121 170		
22 VAC 40-120-60 C 2	22 VAC 40-121-170	Consolidated all	Clarity and consistency
		requirements for	with other regulations
	Records on member	records on member	for family day care
§ IV. C. 2.	homes	homes into one section;	programs
		added requirements	
		for maintaining a copy	
		of application for	
		approval, notification	
		to the department of	
		child abuse or neglect	
		reports, corrective	
		action plans,	
		suspension or	
		termination	
		notifications; reworded	
		requirements for	
		caregivers	
22 VAC 40-120-60 C 3	22 VAC 40-121-180	None	
	C 4 4 66 1		
e m c 2	System staff records		
§ IV. C. 3.	and health		
	requirements		
22 VAC 40-120-60 C 4	22 VAC 40-121-190	Added requirement for	Same as above
		maintaining record of	
	Records on children	any complaint	
§ IV. C. 4.	referred for care	investigation involving	
		the individual child	
PART III			
QUALIFICATIONS			
FOR SYSTEM'S			
STAFF			
22 VAC 40-120-30 A	22 VAC 40-121-200	None	
	General staff		
§ III. A.	qualifications		

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REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION		
22 VAC 40-120-30 B	22 VAC 40-121-210	Eliminated	Makes regulation more
and		requirements for	consistent with other
22 VAC 40-120-30 C 1	Position descriptions	written personnel	regulations for child
		policies and	welfare programs
§§ III. B. 1 &2. and		requirements for	
III. C. 1.		composition and size	
		of system staff	
22 VAC 40-120-30 C 2	22 VAC 40-121-220	Eliminated master's	Change suggested by
a (2)		degree in education	family day system
	Qualifications of the	from education	during public comment
§ III. C. 2. a. (2)	director	qualifications and	
		substituted master's	
		degree in human	
		services	
22 VAC 40-120-30 C 2	22 VAC 40-121-230	Added requirements	Clarity and consistency
a (1)	22 VAC 40-121-230	for director to ensure	with other regulations
a (1)	Degrangibilities of the		for child welfare
8 III C 2 a (1)	Responsibilities of the director	assignment of	
§ III. C. 2. a. (1)	director	sufficient qualified	programs
		staff to operate the	
		system (requirement	
		was in repealed	
		regulation, but was not	
		specifically a	
		requirement of the	
		director); added	
		requirement for	
		director to appoint staff	
		member to act in his	
22 VAC 40 120 20 C 2	22 VAC 40-121-240	absence	Change guagested by
22 VAC 40-120-30 C 2		Eliminated bachelor's	Change suggested by
b (2)	Qualifications of	degree in education	family day system
e III. (2 2 1, (2)	professional staff	from education	during public comment
§ III. C. 2. b. (2)		qualifications and	
		substituted bachelor's	
		degree in human	
22 114 (2.40, 420, 20, 22, 22, 22, 22, 22, 22, 22, 22,	22 114 C 40 121 270	services	CI 11
22 VAC 40-120-30 C 2	22 VAC 40-121-250	Increased the number	Change suggested by
b (1)	Responsibilities of	of homes in a home	family day system
	professional staff	visitor's caseload from	during public comment
§ III. C. 2. b. (1)		25 to 40	

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REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION		
22 VAC 40-120-30 D	22 VAC 40-121-260	Reworded	Clarity
	<b>T</b> 7 <b>1</b>		
§ III. D	Volunteers		
22 VAC 40-120-30 D	22 VAC 40-121-270	Reworded; added	To ensure compliance
	G. 88	requirement for system	with the reporting
§ III. D	Staff orientation	staff to have	requirements in § 63.1-
		orientation on	248.3 of the Code of
		recognizing and	Virginia and to ensure
		reporting child abuse	the health, safety, and welfare of children in
		or neglect	care (§ 63.1-202 of the
			Code of Virginia)
22 VAC 40-120-30 C 3	22 VAC 40-121-280	Added requirements	Makes regulation more
c&d	22 VAC 40-121-200	for trainers'	consistent with other
caa	Staff training	qualifications and	regulations for child
	Sum truming	documentation of	welfare programs
§ III. C. 3. c&d		training received by	1
8 2.2.		system staff	
PART IV			
SERVICES TO			
CHILDREN AND			
FAMILIES			
22 VAC 40-120-50 A	22 VAC 40-121-290	Reworded	Clarity
§ V. A.	Referral to member		
	homes		
22 VAC 40-120-50 A	22 VAC 40-121-300	Reworded	Same as above
Q X 7 A	<b>XX</b> 7.*44		
§ V. A.	Written agreements	Added angelf a	Clouity and consistence
22 VAC 40-120-50 B	22 VAC 40-121-310	Added specific	Clarity and consistency
SV D	Referral to health and	requirements for referral of child with	with other regulations for family day care
§ V. B.	social services	disabilities	
PART V	SUCIAL SCI VICES	uisaviilues	programs
SERVICES TO			
MEMBER HOMES			
None	22 VAC 40-121-320	Added section listing	Clarity and consistency
		all documentation	with other regulations
	Information for	required to be given to	for family day care
	member home	homes applying to be	programs
	applicants	members of a system	

SECTION   SECTION   Added section listing all documentation requirements   Paper of the property of the prop	REPEALED	PROPOSED	CHANGE	JUSTIFICATION
None  Application required from homes applying to be members of a system  22 VAC 40-120-40 B 2   & 3			CHANGE	JUSTIFICATION
Application requirements  22 VAC 40-120-40 B 2 & 3  Approval determination  § IV. B. 2. & 3.  Approval notification  § IV. B. 3.  Approval notification  § IV. B. 3.  Approval notification  § IV. B. 3.  Approval notification  Approval notification  S IV. B. 3.  Approval notification  Approval requirement for notification to be 30 days after receipt background clearances, TB tests, etc. instead of 30 days after interview of applicant  Approval notification			A 1 1 1 2 1 2	G 1
Application requirements applying to be members of a system  22 VAC 40-120-40 B 2	None	22 VAC 40-121-330		Same as above
Prequirements   applying to be members of a system				
members of a system  22 VAC 40-120-40 B 2 & 3  Approval  determination  22 VAC 40-120-40 B 3 & 22 VAC 40-121-350  § IV. B. 3.  Approval notification  Approval n				
22 VAC 40-120-40 B 2   & 3		requirements		
Approval determination  22 VAC 40-120-40 B 3  § IV. B. 3.  Approval notification  Approval determination  Approval requirement for notification to be 30 days after receipt background clearances, TB tests, etc. instead of 30 days after interview of applicant  The seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5  22 VAC 40-121-370  § IV. B. 5.  Annual evaluation  22 VAC 40-120-40 A 2  § IV. A. 2.  Approval notification  Approval notification  Approval notification  Changed requirement for notification to be 30 days after receipt background clearances, TB tests, etc. instead of 30 days after interview of applicant  Provided The Code of Virginia  Receipt of background clearances, and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 A 2  22 VAC 40-121-370  For included rights and responsibilities of system to supervise and suspend or  Approval notification  Approval notification  Approval notification  Approval notification  None  Receipt of background clearances, and home could not be approved until received according to Regulation for Background  Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Clarity; compliance with requirements of § 63.1-195 of the Code of Virginia				
Approval determination  22 VAC 40-120-40 B 3  § IV. B. 3.  Approval notification  Approval notification to be 30 days after receipt background clearances, and home could not be approved until received according to Receipt of background clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Annual evaluation  22 VAC 40-120-40 B 5  22 VAC 40-121-370  Annual evaluation  22 VAC 40-120-40 A 2  22 VAC 40-121-370  Approval notification	22 VAC 40-120-40 B 2	22 VAC 40-121-340		
\$ IV. B. 2. & 3.  22 VAC 40-120-40 B 3  \$ IV. B. 3.  Approval notification  \$ IV. B. 5.  Annual evaluation  22 VAC 40-120-40 A 2  \$ IV. A. 2.  Agreements with member homes  Twelve  Changed requirement for notification to be 30 days after receipt background clearances, TB tests, etc. instead of 30 days after interview of applicant  PReceipt of background clearances may take longer than 30 days and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Included rights and responsibilities of system to supervise and suspend or  SIV. A. 2.  Agreements with member homes	& 3			
22 VAC 40-120-40 B 3  § IV. B. 3.  Approval notification  Approval n		Approval	home from nine to	63.1-195 of the Code
\$ IV. B. 3.  Approval notification  Approval notification to be 30  days after receipt  background clearances, TB tests, etc. instead of 30 days after interview of approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Annual evaluation  Approval notification to be 30  clearances may take longer than 30 days and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Clarity; compliance with requirements of § System to supervise and suspend or Virginia	§ IV. B. 2. & 3.	determination	twelve	of Virginia
\$ IV. B. 3.  Approval notification  Approval notification to be 30  days after receipt  background clearances, TB tests, etc. instead of 30 days after interview of approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Annual evaluation  Approval notification to be 30  clearances may take longer than 30 days and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Clarity; compliance with requirements of § System to supervise and suspend or Virginia		22 VAC 40-121-350	Changed requirement	Receipt of background
background clearances, TB tests, etc. instead of 30 days after interview of applicant  and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5  22 VAC 40-121-360  None  \$ IV. B. 5.  Annual evaluation  22 VAC 40-120-40 A 2  Agreements with member homes  Dackground Clearances, and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Clarity; compliance with requirements of § 63.1-195 of the Code of Virginia				
background clearances, TB tests, etc. instead of 30 days after interview of applicant  and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5  22 VAC 40-121-360  None  \$ IV. B. 5.  Annual evaluation  22 VAC 40-120-40 A 2  Agreements with member homes  Dackground Clearances, and home could not be approved until received according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  Clarity; compliance with requirements of § 63.1-195 of the Code of Virginia	§ IV. B. 3.	Approval notification	days after receipt	longer than 30 days
TB tests, etc. instead of 30 days after interview of applicant according to Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5		• •		
30 days after interview of applicant  40 Packground Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  42 VAC 40-120-40 B 5  42 VAC 40-121-360  53 IV. B. 5.  4 Annual evaluation  10 Included rights and responsibilities of with requirements of § 63.1-195 of the Code of Virginia			_	
of applicant  Regulation for Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5  22 VAC 40-121-360 None  § IV. B. 5.  Annual evaluation  22 VAC 40-120-40 A 2  22 VAC 40-121-370 Included rights and responsibilities of system to supervise and suspend or  63.1-195 of the Code of Virginia			1	
Background Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5 22 VAC 40-121-360 None  § IV. B. 5.  Annual evaluation  22 VAC 40-120-40 A 2 22 VAC 40-121-370 Included rights and responsibilities of system to supervise and suspend or  63.1-195 of the Code of Virginia			•	
Clearances for Child Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5			от аррисан	
Welfare Agencies (22 VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5				
VAC 40-191-10 et seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5				
seq.); change suggested by family day system during public comment  22 VAC 40-120-40 B 5				_
by family day system during public comment  22 VAC 40-120-40 B 5				
during public comment  22 VAC 40-120-40 B 5				
22 VAC 40-120-40 B 5 22 VAC 40-121-360 None  § IV. B. 5.  Annual evaluation  22 VAC 40-120-40 A 2 22 VAC 40-121-370 Included rights and responsibilities of with requirements of § IV. A. 2.  Agreements with requirements of system to supervise and suspend or of Virginia				
§ IV. B. 5.  22 VAC 40-120-40 A 2  Solution  22 VAC 40-121-370  Solution  22 VAC 40-121-370  Solution  Agreements with requirements of system to supervise and suspend or suspend or of Virginia  Annual evaluation  Clarity; compliance with requirements of system to supervise and suspend or of Virginia				during public comment
22 VAC 40-120-40 A 2 22 VAC 40-121-370 Included rights and responsibilities of system to supervise and suspend or Clarity; compliance with requirements of § 63.1-195 of the Code of Virginia	22 VAC 40-120-40 B 5	22 VAC 40-121-360	None	
22 VAC 40-120-40 A 2 22 VAC 40-121-370 Included rights and responsibilities of system to supervise and suspend or Clarity; compliance with requirements of § 63.1-195 of the Code of Virginia				
§ IV. A. 2. Agreements with member homes responsibilities of system to supervise and suspend or of Virginia with requirements of § 63.1-195 of the Code of Virginia				
§ IV. A. 2. Agreements with member homes system to supervise and suspend or 63.1-195 of the Code of Virginia	22 VAC 40-120-40 A 2	22 VAC 40-121-370		
member homes and suspend or of Virginia			responsibilities of	
	§ IV. A. 2.	Agreements with	system to supervise	63.1-195 of the Code
		member homes	and suspend or	of Virginia
terminate approval of			terminate approval of	
member homes			member homes	
22 VAC 40-120-40 C 2 22 VAC 40-121-380 Reworded; added Consistency with other	22 VAC 40-120-40 C 2	22 VAC 40-121-380	Reworded; added	Consistency with other
requirement for regulations for family			requirement for	I -
§ IV. C. 2. <b>Orientation of</b> orientation on the day care programs;	§ IV. C. 2.	Orientation of	_	
<b>providers</b> applicable sections of change suggested by	-	providers	applicable sections of	
the Minimum family day system		•		
Standards for Licensed during public comment				
Family Day Homes				Same paone common

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REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION		
22 VAC 40-120-40 C 3	22 VAC 40-121-390	Reworded; increased	Consistency with other
		training requirements	regulations for family
§ IV. C. 3.	Training of caregivers	for homes with 9-12	day care programs
		children	
None	22 VAC 40-121-400	Added section listing	Makes regulation more
		the qualifications of	consistent with other
	Qualifications of	trainers	regulations for child
	trainers		welfare programs
22 VAC 40-120-40 D	22 VAC 40-121-410	Reworded	Clarity; change
			suggested by family
§ IV. D.	Technical assistance		day system during
	and consultation		public comment
22 VAC 40-120-40 B	22 VAC 40-121-420	None	
§ IV. B.6.	Monitoring		
22 VAC 40-120-50 C	22 VAC 40-121-430	Reworded; added	Clarity; family day
		requirements for	system requested
§ V. C.	Complaint	procedures to follow	during public comment
	investigation	when complaint on	that language be added
	S	member home received	to clarify this standard
		by system	
22 VAC 40-120-50 C	22 VAC 40-121-440	Reworded	Clarity; family day
			system requested
§ V. C.	Child abuse and		during public comment
	neglect		that language be added
	O		to clarify this standard
22 VAC 40-120-60 C 5	22 VAC 40-121-450	No change	·
	Complaint records		
§ VI. C. 5.	*		
22 VAC 40-120-40 C 5	22 VAC 40-121-460	Added requirements	Clarity; consistency
		for developing,	with other regulations
§ VI. C. 5.	Corrective action	monitoring, and	for family day care
	plans	documenting corrective	programs
		action plans to correct	
		violations of standards	
		or system's policies	
		and procedures	

REPEALED	PROPOSED	CHANGE	JUSTIFICATION
SECTION	SECTION	CHINGE	Jesin Territory
22 VAC 40-120-40 B 4	22 VAC 40-121-470	Added requirement that approval of member	Ensure the health, safety, and welfare of
§ IV. B. 4.	Suspensions and terminations	homes be suspended or terminated for failure to abate violations of standards; require member home to be notified of suspension or termination within 5 calendar days (had been within 2 weeks in repealed regulation)	children in care (§ 63.1-202 of the Code of Virginia); consistency with other regulations for family day care programs
PART IV REQUIREMENTS FOR MEMBER HOMES			
22 VAC 40-120-40 C	22 VAC 40-121-480	Added section	Clarity
		summarizing	
§ IV. C.	Qualifications of	qualifications for	
	caregivers	caregivers	
None	22 VAC 40-121-490	Added section	Ensure the health,
	Responsibilities of	summarizing responsibilities of	safety, and welfare of children in care (§
	providers	providers; added requirement for posting compliance evaluation and corrective action plan; added reporting requirements for member homes to report to system situations that would	63.1-202 of the Code of Virginia) and ensure parental notification of home's violation of standards; consistency with other regulations for family day care programs
		affect the operation of the home or the health, safety, and welfare of children in care	