



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	State Board of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-90
<b>Regulation Title:</b>	Regulation for Criminal Record Checks for Assisted Living Facilities and Adult Day Care Centers
<b>Action Title:</b>	Chapter 467, 2003 Acts of Assembly
<b>Date:</b>	June 18, 2003

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

**Note agency actions exempt pursuant to § 9-6.14:4.1(B)** do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This regulation specifies crimes that are barriers to employment in assisted living facilities and in adult day care centers, and the processes for obtaining and maintaining criminal record reports and sworn disclosure statements. This regulation is being amended to eliminate the barrier crime of extortion by threat as set out in § 18.2-59 and replace it with threats of death or bodily injury

as set out in § 18.2-60. The revision is needed due a change in the Code of Virginia resulting from Senate Bill 1101 (Chapter 467, 2003 Acts of Assembly) enacted by the 2003 General Assembly. The change will take effect on July 1, 2003. The regulation also includes a technical change, i.e., a § symbol is added where it was inadvertently omitted.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

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The State Board of Social Services approved on June 18, 2003, the final regulation entitled *Regulation for Criminal Record Checks for Assisted Living Facilities and Adult Day Care Centers*, 22 VAC 40-90-10 et seq.