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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)	22VAC40-80-110
VAC Chapter title(s)	General Procedures and Information for Licensure
Action title	Amend Licensing Regulations for Provisional License
Final agency action date	August 16, 2023
Date this document prepared	May 1, 2023

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.

Chapter [695](#) of the 2023 Acts of the General Assembly (Senate Bill 1508) increases the maximum period of time in which the applicant may operate an assisted living facility, adult day care center, or child welfare agency under a provisional license issued by the Commissioner of Social Services from six successive months to 12 successive months. This law goes into effect July 1, 2023. This regulatory action is necessary to replace the number of successive months from 'six' to '12' in the provisional license section of General Procedures and Information for Licensure.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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 [695](#) of the 2023 Acts of the General Assembly (Senate Bill 1508) changed the maximum amount of time that an applicant may operate an assisted living facility, adult day care center, or child welfare agency under a provisional license. This regulatory action is necessary in order to comply with the law.

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 to amend the 22VAC40-80: *General Procedures and Information for Licensure* on August 16, 2023.