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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Department for Aging and Rehabilitative Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC30-80 and 22VAC30-110
VAC Chapter title(s)	Auxiliary Grants Program and Assessment in Assisted Living Facilities
Action title	Amend Auxiliary Grant and ALF Assessment regulations to comport with changes pursuant to 2023 legislative changes
Final agency action date	August 3, 2023
Date this document prepared	August 3, 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.

This action amends 22VAC30-80, Auxiliary Grants Program, and 22VAC30-110, Assessment in Assisted Living Facilities, to comport the definition of "assisted living facility" with Chapters 148 and 149 of the 2023 Acts of Assembly.

During the 2023 General Assembly Session, Chapter 148 (HB 1450) and Chapter 149 (SB 798) of the 2023 Acts of Assembly amended the Code of Virginia to replace instances of the terms "handicap," "handicapped," and similar variations throughout the Code with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment."

This regulatory action seeks to update the definition of “assisted living facility” in 22VAC30-80-10 and 22VAC30-110-10 to comport with the new definition found in § 63.2-100 of the Code of Virginia.

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 148 of the 2023 Acts of Assembly amended the definition of “assisted living facility” found in § 63.2-100 of the Code of Virginia. This same definition appears in 22VAC30-80-10 and 22VAC30-110-10. This is a final exempt regulatory action necessary to conform to changes in Virginia statutory law where no agency discretion is involved.

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 DARS Commissioner approved the revisions to 22VAC30-80, Auxiliary Grants Program, and 22VAC30-110, Assessment in Assisted Living Facilities, on August 3, 2023.