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Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22VAC40-80
Regulation title(s)	General Procedures and Information for Licensure
Action title	Amend General Procedures to Conform with Code
Final agency action date	August 16, 2017
Date this document prepared	August 16, 2017

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulatory action is necessary to conform to changes made in Chapters 196, 283 and 138 of the 2017 Acts of Assembly (HB 2156, HB 1919 and SB 1191 respectively). As a result of these legislative actions, §§ 63.2-1701 and 63.2-1709.2 of the Code of Virginia were amended.

The amendment to § 63.2-1701 of the Code of Virginia specifies that a, "person who operates or maintains a child welfare agency" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency." Due to this amendment, it is necessary to change the definition of "applicant" and "licensee" in 22VAC40-80-10 to include the additional entities that may apply and operate a child welfare agency.

The amendment to § 63.2-1709.2 of the Code of Virginia changes the time frame for the aggregate amount of civil penalties in assisted living facilities to not exceed \$10,000 from a 24-month period to a 12-month period of time. Due to this amendment, it is necessary to change the timeframe in 22VAC40-80-340 to specify that the aggregate amount of civil penalties in assisted living facilities shall not exceed \$10,000 in a 12-month period of time.

Statement of final agency action

Please 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 General Procedures and Information for Licensure, 22VAC40-80, on August 16, 2017.

Family impact

Please assess the impact of this 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.

With respect to the amendments in § 63.2-1701 of the Code of Virginia and the subsequent changes to the definition of “applicant” and “licensee” in 22VAC40-80-10, the institution of the family and family stability will be enhanced as there will be additional entities that may apply for licensure to operate or maintain a child welfare agency. Having these additional entities that may apply for licensure will allow for more resources to the biological or adoptive parent(s) or legal guardian(s) with respect to making decisions regarding available licensed child care that would best meet the needs of their child.

With respect to the amendments in § 63.2-1709.2 of the Code of Virginia and the subsequent changes to 22VAC40-80-340, in which the aggregate amount of civil penalties in assisted living facilities shall not exceed \$10,000 in a 12-month period of time, the action provides for increased accountability of the licensee to operate within the terms of its license and to protect the physical and mental well-being of residents. With this increased accountability, the institution of the family and family stability, to include the legal representative(s) will be enhanced as this will provide for greater protection and security to residents of assisting living facilities.