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Proposed Regulation
Agency Background Document

Agency name	Board of Long-Term Care Administrators, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC95-30
VAC Chapter title(s)	Regulations Governing the Practice of Assisted Living Facility Administrators
Action title	Periodic review and implementation of resulting amendments to 18VAC95-30
Date this document prepared	6/23/2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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 announces a periodic review of regulations for 18VAC95-30 and will implement changes identified in the periodic review. Following that process, the board has decided to amend the chapter and make a number of changes focused on clarity and reduction of restrictions.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CE – Continuing education
ALFA – Assisted Living Facility Administrator
NHA – Nursing Home Administrator
AIT – Administrator-in-training

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, 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus for this action is the periodic review of regulations of the board.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Regulations of the Board of Long-Term Care Administrators are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be "[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system."

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The rationale for this action is to make changes to the chapter that enhances clarity of regulation and removes unnecessary and duplicative requirements and statements. These regulatory changes are essential to protect the health, safety, and welfare of citizens because the General Assembly has instructed the board to regulate long-term care administrators. The goals of these regulatory changes are to enhance clarity of regulation and remove unnecessary provisions and the problems the changes are intended to solve are unclear regulations that have not been reviewed in a number of years.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

This action makes changes to include:
- Amending CE requirements and allowances of hours accepted in 30-70;
- Clarification of the expiration of a preceptor registration upon expiration of an ALFA license in numerous locations;
- Conforming required coursework and topics to requirements for nursing home administrators in 30-100;
- Inclusion of an additional licensure by endorsement pathway in 30-120;
- Elimination of restriction on training facility sites for smaller assisted living facilities in 30-170;
- Clarification of procedures if an AIT program is interrupted and reporting requirements of AIT programs in 30-190 and 30-200;
- Addition of items that constitute unprofessional conduct in 30-210.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

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1) The primary advantages to the public are enhanced clarity of regulations. There are no disadvantages to the public.
2) There are no primary advantages or disadvantages to the agency or the Commonwealth.
3) The Director of the Department of Health Professions has reviewed the proposal and performed a competitive impact analysis. Any restraint on competition as a result of promulgating these regulations is a foreseeable, inherent, and ordinary result of the statutory obligation of the Board to protect the safety and health of citizens of the Commonwealth. The Board is authorized under § 54.1-2400 "[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which are reasonable and necessary to administer effectively the regulatory system . . . Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title." The promulgated regulations do not conflict with the purpose or intent of Chapters 1 or 25 of Title 54.1.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact *which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

Other State Agencies Particularly Affected – none

Localities Particularly Affected – none

Other Entities Particularly Affected – none

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

For your agency: projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.	There are no expected costs, savings, fees, or revenues to the agency from this regulatory change.
For other state agencies: projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	There are no expected costs, savings, fees, or revenues to other state agencies from this regulatory change.
For all agencies: Benefits the regulatory change is designed to produce.	Enhanced clarity of regulation and effective regulation of the profession.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no expected costs, savings, fees or revenues to localities from this regulatory change.
Benefits the regulatory change is designed to produce.	There are no expected benefits to localities from this regulatory change.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be	Individuals impacted include assisted living facility administrators and administrators-in-training.

affected, include a specific statement to that effect.	
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million.	Numbers of regulated entities who could be affected can be found on the agency's quarterly licensing reports, located here: Virginia Dept. of Health Professions - Agency Reports
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no projected costs to individuals
Benefits the regulatory change is designed to produce.	Enhanced clarity of regulations.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There is no alternative to regulation. To amend existing regulations, a regulatory action must be taken.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

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(1) Some reporting requirements are enhanced in this action to ensure proper reporting and information gathering is occurring. There have been no issues with the extent of reporting requirements thus far. (2) No schedules or compliance requirements exist. (3) No schedules or compliance requirements exist. (4)

No design or operational standards exist. (5) The agency does not regulate small businesses and, if it did, could not exempt small businesses from public safety requirements without severe detriment to the public.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Following a periodic review of regulations, the board decided to amend provisions of this chapter to better regulate the profession. (1) These regulations are essential to regulate assisted living facility administrators in Virginia. Statute alone is not enough to effective regulate the profession. (2) No comments were received during the periodic review process. (3) These regulations are not complex. (4) The regulations supplement a sparse Code section and do not appear to restate Code language or duplicate requirements. (5) This regulation has not been reviewed in at least four years.

Public Comment

<u>Summarize</u> all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

No comments were received.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Board of Long-Term Care Administrators is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of the background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at https://www.townhall.virginia.gov. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Matt Novak, Agency Regulatory Coordinator, 9960 Mayland Drive, Henrico, VA 23233 or matthew.novak@dhp.virginia.gov or by fax to (804) 915-0382. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
30-10		Definitions	Amended definition of “Administrator-of-record” to indicate that this individual is “the person who is responsible for the administration and management of an assisted living facility “and who oversees the day-to-day operation of the facility” to clarify the role of the administrator of record and align the board’s definition with that used by the Department of Social Services, which oversees regulation of assisted living facilities. Made an identical change to “ALF AIT” as was made in Chapter 20 by adding “or trainee” to the definition to align the definition with common phrasing of an AIT used in the industry.
30-20		Posting of license	Made an identical change as was made in Chapter 20 indicating that a license posting must also be made visible to the residents of the facility in addition to the public. This is for transparency of who is managing the facility for both the public

			and the residents who reside within the facility.
30-40		Fees	Made an identical change as made in Chapter 20 to include a fee for an initial wall certificate. The board currently offers these decorative certificates as part of obtaining a license, but to help with rising costs, the board has decided to charge a nominal fee for those who want a decorative certificate to display. This does not impact the continued printing and mailing of an individual license document that may be posted in accordance with facility regulations and with section 30-20.
30-70		Continuing education requirements	Made identical changes from Chapter 20. Removes a requirement from A1 and moves it to A3 as a standalone requirement. This is done for clarity. Addition of new A2 to outline what is acceptable as “live coursework hours.” This change clarifies the types of activities that qualify for CE credit, which was previously defined in a guidance document. Addition of A7 to allow for up to two hours of CE to be satisfied through attendance at a board meeting or hearing where the licensee is not a participant. This is in line with other boards who permit CE credit for attendance of meetings and offers more opportunities for licensees to obtain CE hours. In B, addition of A7 for continuity as this section is new and should be added. In D, this addition clarifies that the request for an exemption should also be received by the board in writing prior to the renewal deadline.
30-91		Inactive licensure	Made an identical change as made in Chapter 20. Addition of subsection C to clarify that a preceptor registration will expire when a license becomes inactive and that the preceptor registration may be reinstated in accordance with the board’s existing regulations. A preceptor must hold an active license, and this addition clarifies current board procedures that a preceptor registration will immediately expire when a license becomes inactive.

30-100		Initial licensure requirements	Under subsection B, inserted additional course content information for B1 (customer care, supports, and services), B2 (Human resources), B3, (Finance), B4 (Environment), and B5 (Leadership and management). This additional course information is present in Chapter 20 and was copied over to Chapter 30 for consistency of course requirements.
30-120		Licensure by endorsement	Added a new B(3)(c) to clarify that individuals who hold a current, unrestricted license as a nursing home administrator in any US jurisdiction (including Virginia) may obtain a license as an assisted living facility administrator. While this change creates an additional pathway to licensure as an ALFA in Virginia, it also reflects the fact that licensed nursing home administrator have the requisite education and experience qualifications to serve as ALFAs, by virtue of the fact that licensed NGAs can already serve as administrators of assisted living facilities in Virginia. While a licensed NHA from another jurisdiction is more likely to obtain an NHA license in Virginia, there are instances where NHAs licensed in Virginia or elsewhere may wish to obtain a separate ALFA license.
30-160		ALF training program	Under subsection C, inclusion of ALF as modifier for consistency and clarity.
30-170		Training facilities	Elimination of B4 that stated an ALF AIT program could not take place in a facility with a licensed resident capacity of fewer than 20 residents. This change is in response to stakeholder input and recommendation from a regulatory advisory panel and will increase the number of facilities where an AIT training program may be conducted.
30-190		Reporting requirements	Made identical change as Chapter 20. Addition of subsection C to require preceptors to maintain copies of progress and completion reports of AITs for no less than three years after the conclusion of training. This change helps to ensure reports will be available for AITs who either change positions or take time away from practice when they apply for full licensure.
30-200		Interruption of program	Made similar changes as Chapter 20. In subsection A, requires an AIT to notify the board within 10 business days) when a preceptor can no longer serve OR if the AIT changes preceptors or training

			facilities. Additionally, adding a requirement that the AIT notify the board if they change preceptors or training sites helps the board ensure it has appropriate oversight over the AIT's training program. This is important if disciplinary concerns arise for the preceptor or AIT. Inclusion of training facility in subsection A1 is consistent with changes made above. An additional statement is added that credit will resume when the changes in training are approved by the board, provided the AIT registration has not expired. This is added for clarity, as hours may not be obtained without an active AIT registration and approved training plan. Finally, the Board added a period of three years under which credit may be counted towards completion of an AIT program. This allows for AITs to pause their training for a period of time without the need to restart the entire program. This also ensures that the training hours used for completion of an AIT program reflect more current learning and understanding of the nursing home environment, including more current legal and regulatory requirements, in preparation for their initial licensure.
30-201		AIT program for acting administrators	Makes an identical change as 30-20, requiring the posting of the acting administrator certificate in a place conspicuous to residents and the public. This change increases transparency for residents about who is managing their facility.
30-210		Unprofessional conduct	Makes identical changes as were made in Chapter 20. Addition of two bases for a finding of unprofessional conduct which the board may refuse to license or take disciplinary action. Number 14 details a pattern of behavior that interferes with resident care and could be reasonably expected to adversely impact the quality of care, while number 15 details action taken on a license, certification, or registration issued by any regulatory board in Virginia. The addition of these bases further enhances the board's ability to protect residents' health and safety through disciplinary action against an administrator when necessary.