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Fast-Track Regulation Agency Background Document

Agency name	Virginia Department for Aging and Rehabilitative Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC30-100
VAC Chapter title(s)	Adult Protective Services
Action title	Repeal 22VAC30-100-15
Date this document prepared	October 3, 2025; Revised March 9, 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, which follows a [Periodic Review](#), repeals 22VAC30-100-15 (Mandated reporters) within the Virginia Administrative Code (VAC).

The comprehensive listing of mandated reporters is currently contained in § 63.2-1606 of the Code of Virginia, and all other regulatory provisions in 22VAC30-100 already refer back to § 63.2-1606 when discussing mandated reporter requirements and civil penalties for not reporting as required by statute. Removing this regulatory section will ensure that the VAC stays current and in alignment with the existing statutory requirements and any future potential changes to the statute.

This action does not change the statutory list of persons required to report suspected adult abuse, neglect or exploitation when acting in their professional capacities.

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.

APS = Adult Protective Services

DARS = Virginia Department for Aging and Rehabilitative Services

LDSS = local department of social services

VAC = Virginia Administrative Code

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) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On October 3, 2025, the Commissioner of DARS adopted the amendments to 22VAC30-100 (Adult Protective Services).

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.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

In July 2025, DARS conducted a [Periodic Review](#) of the chapter. During this review, the agency determined 22VAC30-100-15 (Mandated reporters) was duplicative since the relevant content is currently contained in § 63.2-1606 of the Code of Virginia.

This action is expected to be noncontroversial because: 1) it does not change the list of mandated reporters required to report suspected adult abuse, neglect or exploitation when acting in their professional capacities, which is still governed by state laws as found in § 63.2-1606 of the Code of Virginia; and 2) it removes duplicative content, thus ensuring state law and 22VAC30-100 remain clear and there is reduced potential for confusion.

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.

Section 51.5-131 of the Code of Virginia authorizes the Commissioner of DARS to promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth of Virginia.

Specifically, under § 51.5-148 (Establishment of Adult Protective Services Unit), “The Department shall have responsibility for the planning and oversight of adult protective services in the Commonwealth. The Commissioner shall establish within the Department for Aging and Rehabilitative Services an Adult Protective Services Unit which shall oversee the planning, administration, and implementation of adult protective services in the Commonwealth.

It is further emphasized that adult protective services (APS) shall be provided to the public by local departments of social services (LDSS) pursuant to Article 2 of Chapter 16 of Title 63.2 (§ 63.2-1603 et seq.) in cooperation with the Department and subject to the regulations and oversight of the [DARS] Commissioner.”

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.

Following a [Periodic Review](#) conducted by DARS for 22VAC30-100, the agency determined 22VAC30-100-15 (Mandated reporters) was duplicative since the relevant content is currently contained in § 63.2-1606 of the Code of Virginia.

APS programs prevent and protect vulnerable adults from abuse, neglect, and exploitation, and enhance the independence of older adults and individuals with disabilities. Ensuing consistency and accuracy in the statutory and regulatory authorities governing the implementation and oversight of Virginia’s APS program supports public health, safety and welfare.

The goal of the regulatory action is to ensure the VAC is kept current and does not contain duplicative or potentially inconsistent provisions from state law. The action also supports the efforts directed by Executive Order 19 (2022) by streamlining the regulatory chapter’s content.

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 repeals section 22VAC30-100-15, which is a comprehensive list of the professional staff that are required to report a suspicion that adult abuse, neglect or exploitation has occurred when acting in their professional capacity.

This action does not change the list of mandated reporters required to report suspected adult abuse, neglect or exploitation when acting in their professional capacities, which is still governed by state laws as found in § 63.2-1606 of the Code of Virginia.

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.

The primary advantages of this regulatory action for the public, DARS, and the Commonwealth is that it removes duplicative language that already exists in the Code of Virginia, and it supports the regulatory reduction goals of Executive Order 19 (2022).

This regulatory action does not have any disadvantages to the public, DARS, or the Commonwealth. This action does not change the list of persons required to report suspected adult abuse, neglect or exploitation when acting in their professional capacities, which is still governed by state laws as found in § 63.2-1606.

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 requirements that are more restrictive than 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

No state agencies are particularly affected.

Localities Particularly Affected

No localities are particularly affected.

Other Entities Particularly Affected

There are no other entities that are particularly affected.

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

<p><i>For your agency:</i> 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</p>	<p>DARS would not experience any impact or costs from this revision to the regulation. There are no expected impacts or changes that require funding to execute.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There is no expected cost for any other state agencies.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The revisions remove duplicative content. This ensures the chapter remains clear and minimizes the potential for confusion among the public and other stakeholders.</p>

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.

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p>There is no expected cost for localities/LDSS associated with these changes.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The revisions remove duplicative content. This ensures the chapter remains clear and minimizes the potential for confusion among the public and other stakeholders.</p>

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.

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>There are no individuals, businesses, or other entities that will be affected by this regulatory change.</p>
<p>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.</p>	<p>No other entities will be impacted by these changes.</p>
<p>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:</p>	<p>There are no projected costs for affected individuals, businesses or other entities.</p>

<p>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.</p>	
<p>Benefits the regulatory change is designed to produce.</p>	<p>The revision removes duplicative content. This ensures the chapter remains clear and minimizes the potential for confusion among the public and other stakeholders.</p>

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 are no alternatives to this action that would ensure maximum alignment between state law and regulation. There is no impact on small businesses and thus no need for less intrusive or less costly alternatives.

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

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.

APS investigates allegations of abuse, neglect, or exploitation across a variety of services and settings that support vulnerable adults. These settings include long-term care facilities, home care organizations, group homes, as well as others. Many of these provider-owned organizations and settings are considered small businesses.

However, there is no anticipated negative impact on small businesses because of this action. The regulatory action simply removes duplicative language which already exists in the Code of Virginia. State law identifies those persons who are subject to mandated reporting for APS.

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

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.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

A public hearing will not be held.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Virginia Department for Aging and Rehabilitative Services is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this 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://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Charlotte Arbogast, Senior Policy Analyst/Regulatory Coordinator, Virginia Department for Aging and Rehabilitative Services, 8004 Franklin Farms Drive, Henrico, VA 23228, Phone: 804-662-7093, Fax: 804-662-7663. 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 existing VAC Chapter(s) and the proposed regulation. If 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
15		Mandated reporters	DARS is repealing this section.

			<p>The comprehensive listing of mandated reporters is currently contained in § 63.2-1606 of the Code of Virginia, and all other regulatory provisions in the 22VAC30-100 already refer back to § 63.2-1606 when discussing mandated reporter requirements and civil penalties for not reporting as required by statute. Removing this regulatory section will ensure that the VAC stays current and in alignment with the existing statutory requirements and any future potential changes to the statute.</p> <p>This action does not change the list of persons required to report suspected adult abuse, neglect or exploitation when acting in their professional capacities.</p>

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage