

9/17/2025


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Fast-Track Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-151
VAC Chapter title(s)	Standards for Licensed Children's Residential Facilities
Action title	Regulatory Reduction for Standards for Licensed Children's Residential Facilities
Date this document prepared	9/17/2025

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.

The Standards for Licensed Children's Residential Facilities, 22VAC40-151, provide requirements for the public and the Department of Social Services to evaluate the safety, well-being, and stability of care provided to children and youth while placed in a licensed children's residential facility.

This action proposes technical edits and amendments to reduce regulatory burden on licensed children's residential facilities by clarifying and removing repetitive, obsolete, and overly prescriptive requirements in accordance with [Executive Directive One](#) (2022) and [Executive Order 19](#) (2022). The amendments also provide consistency with the definitions in § 63.2-100 of the Code of Virginia.

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.

DSS—Department of Social Services

CRF—Children’s Residential Facilities

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 **TBD**, the State Board of Social Services adopted final amendments to the *Standards of Licensed Children’s Residential Facilities*, 22VAC40-151.

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.

There is no mandate for this regulatory change. This regulatory action is prompted by Executive Directive One (2022) and Executive Order 19 (2022) requiring the reduction of regulatory requirements “not mandated by federal or state statute, in consultation with the Office of Attorney General, and in a manner consistent with the laws of the Commonwealth.”

This regulatory action is expected to be noncontroversial by providing clarification and reducing regulatory burden.

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.

The State Board of Social Services has the legal authority to adopt regulation and requirements for CRF in accordance with §§ 63.2-217, 63.2-1700, 63.2-1709.2, 63.2-1726, 63.2-1734, 63.2-1736, and 63.2-1737. The Code of Virginia mandates that promulgation of regulations for the activities, services, and facilities to be employed by persons and agencies required to be licensed, which shall be designed to

ensure that activities, services, and facilities are conducive for the welfare of children and youth placed in a CRF.

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.

This regulatory action amends the regulation in accordance with Executive Directive One (2022) and Executive Order 19 (2022) and is essential to protect the health, safety, and welfare of children and families who receive services from a CRF. The amendments will provide clarification of existing requirements and reduce regulatory burden.

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 regulatory action will incorporate technical edits, include revisions for clarification, and remove requirements to reduce regulatory burden. The amendments will repeal sections that are duplicative and overly prescriptive.

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 advantage with this regulatory change is it provides clarification for ease of understanding and reduces regulatory burden for CRF. There are no disadvantages for CRF as there are no new regulatory requirements added in this regulatory action. There are no advantages or disadvantages to the public as this regulatory action does not add requirements to the public.

There are no disadvantages to the agency or the Commonwealth. The advantage to the agency is that this regulatory action provides clarification and reduces regulatory burden for CRF, which may result in an increased understanding and compliance of regulations and laws.

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 regulatory changes 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

There are no other state agencies particularly affected by this regulatory action.

Localities Particularly Affected

There are no other localities particularly affected by this regulatory action.

Other Entities Particularly Affected

There are no other entities particularly affected by this regulatory action.

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

<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	There are no projected costs, savings, fees, or revenues resulting from this action.
<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.	There are no projected costs, savings, fees, or revenues resulting from this regulatory action.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	There are no economic benefits to this regulatory change.

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.	Analysis provided on the ORM Economic Impact form on tables 1a and 2.
Benefits the regulatory change is designed to produce.	Analysis provided on the ORM Economic Impact form on tables 1a and 2.

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 affected, include a specific statement to that effect.	Analysis provided on the ORM Economic Impact form on tables 1a, 3, and 4.
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.	Analysis provided on the ORM Economic Impact form on tables 1a, 3, and 4.
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.	Analysis provided on the ORM Economic Impact form on tables 1a, 3, and 4.
Benefits the regulatory change is designed to produce.	Analysis provided on the ORM Economic Impact form on tables 1a, 3, and 4.

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.

Analysis provided on the ORM Economic Impact form on tables 1c and 4.

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.

Analysis provided on the ORM Economic Impact form on table 1c.

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.

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 Department of Social 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 Alisa Foley, 5600 Cox Road, Glen Allen, Virginia 23060, (fax) 804-726-7132, and email: a.foley@dss.virginia.gov. 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
Throughout chapter		The terms “written and electronic” are used when describing documents and files. The term “of competent jurisdiction” used to describe a court.	Removed the terms as it is no longer needed to differentiate between written (hardcopy) and electronic files for clarification. Removed the term as it is unnecessary for ease of understanding.
10		This section addresses definitions.	Removed the following definitions because the word or term is no longer used in this regulation: • “Allegation” • “Allowable variance” • “Behavior support assessment” • “Complaint” • “Corrective action plan” • “Good character and reputation” • “Wilderness program” Revised the following definitions to correspond with the definition in § 63.2-100 of the Code of Virginia: • “Child-placing agency” • “Independent living services” Revised the following definitions: • “Aversive stimuli” for clarification of for the term is used in the regulation. • “Child” for clarification of how the term is used in the regulation. Added the definition for “commissioner” to provide clarification for the term used in the regulation.
30		This section addresses inspection of facilities.	Repealed section 30, removed the repetitive requirement that the department shall make announced and unannounced inspections as it is addressed in § 63.2-1706 and 22VAC40-80-180.

			Removed the repetitive requirement of the department notifying the placing and funding agencies when violations resulted in lowering the license to a provisional license as it is addressed in § 63.2-1737.
40		This section addresses the posting of information.	Repealed section 40, removed the repetitive requirement that the department shall post on the department's website by locality the children's residential facility's license type as it is addressed in § 63.2-1737.
50		This section addresses general requirements.	Revised that <i>General Procedures and Information for License</i> , 22VAC40-80, is an applicable state regulation that the provider shall comply with for clarification. Removed the repetitive requirement that the policies and procedures be readily accessible to staff as it is addressed in 22VAC40-151-230.
60		This section addresses application fees.	Removed the repetitive requirement of the \$500 initial application fee as it is addressed in the previous sentence in subsection A of this section.
70		This section addresses modification.	Removed the repetitive requirement of prior approval is required prior to the implementation of a change in operations as it is addressed in 22VAC40-80-120 and 22VAC40-80-190. Removed the 60-day timeframe; the department will notify the provider of the modification decision to be consistent with 22VAC40-80-190.
80		This section addresses revocation.	Repealed section 80, removed repetitive requirement when a license may be revoked as it is addressed in § 63.2-1709.1 and 22VAC40-80-340.
100		This section addresses allowable variances.	Repealed section 100, removed the repetitive requirement of allowable variances as it is addressed in 22VAC40-80-230 and 22VAC40-80-240.
120		This section addresses the responsibilities of the provider.	Removed the requirement that the provider shall appoint a chief administrative officer as it is the responsibility of the provider to determine the organizational structure. This will reduce the regulatory burden. Moved the requirements of the chief administrative officer from 22VAC40-151-280 to subsection A and revised

			that it is the provider's responsibility for clarification. Removed the requirement that the provider shall develop and implement a decision-making plan for a staff person with the qualifications to be designated to assume the temporary responsibility for the operation of the facility to reduce regulatory burden as the licensee must ensure compliance with the regulation and all decision making within the administrative structure. Removed the requirement that the provider shall develop and implement policies and procedures to monitor and evaluate service quality and effectiveness and implement improvements when indicated to reduce regulatory burden as it is a provider's business decision to determine service quality and 22VAC40-151-50 addresses demonstration of compliance. Moved 22VAC40-151-340 B to section 120 that the facility shall not be dependent upon volunteers, students, or interns to provide basic services for clarification.
130		This section addresses fiscal accountability.	Removed the unnecessary explanation of the types of day-to-day handling of facility funds to reduce regulatory burden.
140		This section addresses insurance.	Removed the repetitive requirement that staff owned vehicles shall provide insurance documentation as it is addressed in subsection B in this section that all vehicles used to transport residents are insured. Removed the similar requirement that individuals handling the facility or resident's funds shall be bonded as the facility shall maintain liability insurance in subsection A of this section and maintaining the facility's financial integrity is addressed in this regulation.
160		This section addresses weapons.	Revised to remove repetitive language and technical edits for clarification.
170		This section addresses the relationship to regulatory authority.	Removed the unnecessary reference to the chief administrative office or program director for clarification.

190		This section addresses health information and reporting of disease.	Incorporated the requirements in subsection A of this section that health information shall be confidentially maintained for clarification. Removed the requirement that provider reports any active case of tuberculosis as the physician must report that a person has active tuberculosis disease as addressed in 12VAC5-90-90 and 12 VAC5-90-225. Revised that it is provider's responsibility to report an outbreak of disease to the Department of Health for clarification and due to removing the requirements of the chief administrative officer in 22VAC40-151-280.
210		This section addresses qualifications.	Removed the repetitive requirement that services provided on a contractual basis shall be provided by qualified personnel as this is addressed in subsection B of this section.
220		This section addresses job descriptions.	Removed the descriptive term "of the incumbent" as it is unnecessary and for clarification as not all jobs have incumbents. Removed that the job description includes the job title of the immediate supervisor as it is unnecessary in describing the duties and responsibilities of the job positions and to reduce regulatory burden. Removed the requirement that a copy of the job description be provided to each person at the time of employment as personnel policies are readily accessible to each staff member as addressed in 22VAC40-151-230 and staff qualifications are in 22VAC40-151-210. This reduces regulatory burden.
230		This section addresses personnel policies and procedures.	Incorporated 22VAC40-151-250 D into subsection A that the personnel policies shall include the staff's training requirements for clarification. Removed the repetitive requirement that staff shall develop policies and procedures to ensure employees have the education, knowledge, and skills for the position as it is addressed in 22VAC40-151-210.
240		This section addresses personnel records.	Removed "a completed application form or other written material providing

			the individual's name, address, phone number, and social security number," written references and annual performance evaluations as elements of the staff record, due to being overly prescriptive and to reduce regulatory burden. Incorporated the employment history in subdivision B 8 and revised with technical edits for clarification. Revised that personnel records are maintained from three years to two years to reduce regulatory stringency.
250		This section addresses staff development.	Revised to include in basic orientation the Standards for Licensed Children's Residential Facilities and practices of confidentiality for clarification. Removed that staff orientation for transferring employees shall include the decision-making plan to reduce regulatory burden. Removed the requirement that training of standard first aid and cardiopulmonary resuscitation class be conducted by the American Red Cross or other recognized authority to reduce regulatory stringency. Removed the requirement that all staff be trained in any area of quality improvement as identified from the results of the quality improvement plan as this requirement is too broad and it is the provider's business decision to develop and implement a quality improvement plan. This reduces regulatory burden. Revised to remove the repetitive training requirements for annual retraining in subdivision B 1 as it is addressed in subdivision A 2. Incorporated subsection D into 22VAC40-151-230 A that the personnel policies shall include the staff's training requirements for clarification.
260		This section addresses staff supervision.	Repealed section 260, removed the provider shall develop and implement the policies and procedures for staff supervision to reduce regulatory burden.

270		This section addresses the licensee applicant.	Revised “that they have been trained” to “of training” as a technical edit for ease of understanding. Removed subsection C that the applicant shall hire an individual to perform the duties of the chief administrator officer as it is unnecessary due to removing the requirements of the chief administrative officer in 22VAC40-151-280.
280		This section addresses the chief administrative officer.	Repealed section 280, removed the requirements of the chief administrative officer as it is the provider's decision to determine the organizational structure of the facility and to reduce regulatory burden.
290		This section addresses the program director.	Removed the repetitive requirement that the facility's program shall be directed by a qualified person as it is addressed in subsection B of this section. Revised for technical edit for clarification and incorporated subsection C into subsection B that the person responsible for program implementation is a full-time staff member. This ensures protection of residents in care, with the repeal of the chief administrative officer position. Removed the repetitive requirements that the program director applicant meets the educational and experience requirements as it is addressed in 22VAC40-151-210 and 22VAC40-151-240.
300		This section addresses the case manager.	Removed the requirement that the case manager coordinates all services offered to each resident as it is the responsibility of the provider to decide who coordinates services to residents. This reduces regulatory burden.
320		This section addresses the child care staff.	Revised for technical edit for clarification and removed the specific requirements for guidance and supervision of children as it is addressed in subsection A in this section. Revised subsection C in this section for the required experience the child care staff shall have to work alone with children to be consistent with the

			experience requirement in subsection B in this section. Removed the minimum age requirement for a child care worker's position to address workforce needs and this will reduce regulatory burden.
340		This section addresses volunteers, students, and interns.	Repealed section 340, removed the requirement that the facility shall have written policies and procedures for the selection, use, responsibilities and qualification of volunteers, students, and interns as this is repetitive as the personnel policies and procedures are addressed in 22VAC40-151-210 and 22VAC40-151-230.
350		This section addresses support functions.	Revised for technical edit for ease of understanding.
360		This section addresses building, inspections and building plans.	Repealed section 360, removed the repetitive requirement of subsections A – D and F as it is addressed in 22VAC40-80-150 and 22VAC40-80-160. Moved subsections E and G to 22VAC40-151-520 for clarification.
380		This section addresses lighting.	Removed the unnecessary requirement that artificial lighting shall be by electricity. Incorporated subsection E into subsection B to include that exterior areas shall be lit for safety for clarification.
390		This section addresses plumbing and water.	Revised the section title to "water" for an explanation of the requirements in this section after the revisions for clarification. Removed the repetitive requirement that plumbing shall be in good operational condition as it is addressed in 22VAC40-151-520 that the facility shall be in good working order. Revised the requirement that hot water temperatures shall be maintained at 105 °F - 120°F to match DSS licensed programs and provide clarification.
410		This section addresses personal necessities.	Revised the requirements when residents are incontinent to remove overly prescriptive requirements to condense the requirement to follow infection control practices while maintaining the dignity and health of the resident for clarification.

420		This section addresses sleeping areas.	Removed the exception for sleeping quarters for primitive campsites due to the removal of 22VAC40-151-1020 to reduce regulatory burden. Removed the repetitive term “clean” in subsection F for ease of understanding.
450		This section addresses living rooms and indoor recreation space.	Incorporated that the furnishings shall be age appropriate in subsection A for clarification. Removed the term “or certified” because children’s residential facilities are not certified but licensed for clarification.
490		This section addresses storage.	Repealed section 490, removed the requirement that space shall be provided for the storage of first-aid equipment, household supplies, recreational equipment, luggage, and out-of-season clothing as it is the responsibility of the provider to determine storage and this reduces regulatory burden.
520		This section addresses buildings and grounds.	Removed “but are not limited to” and “but is not limited to” as technical edits for clarification. Incorporated 22VAC40-151-530 A into subsection B of this section that the buildings are free from clutter and suitable for the ages and number of residents for clarification. Moved buildings and physical environment are suitable to programs and services provided to the residents and swimming pools are inspected annually from 22VAC40-151-360 to section 520 for clarification.
530		This section addresses equipment and furnishings.	Repealed section 530, removed the repetitive requirement that furnishings shall be age appropriate as it is addressed in 22VAC40-151-450. Moved the requirement that at least one operable, non-pay telephone is accessible to staff in each building to 22VAC40-151-780 for clarification.
550		This section addresses farm and domestic animals.	Removed the repetitive requirement that animals shall be quartered at a reasonable distance from sleeping, living, food preparation areas, and water supplies as general sanitation, water supply, and sewage disposal are addressed in 22VAC40-80-160.

			Removed the repetitive requirement that the premises shall be kept free of stray domestic animals as it is addressed in subsection B of this section that animals maintained on the premises shall be licensed as required by law.
580		This section addresses maintenance of residents' records.	Revised to include documents required by this chapter shall be maintained as part of the case record for clarification. Revised for technical edit to remove "and in a uniform matter" for ease of understanding. Incorporate subsection E into subsection C that the provider's policies and procedures include active and closed records and service continuity and record recovery from disasters. Revised for technical edit and removed repetitive requirements of the protection of electronic records as it is addressed in subdivision C 3. Removed the requirement of the designation of a person responsible for records management as record management policies and procedures are addressed in subsection C of this section. Revised that the records shall be maintained for two years from three years to reduce regulatory burden. Revised for technical edit for clarification. Removed the repetitive requirement of retaining the face sheet as it is addressed in subsection G of this section.
590		This section addresses the interstate compact on the placement of children.	Removed the exception that the requirements of this section shall not apply when the administrator of the Virginia Interstate Compact has determined that the facility is statutorily exempt as this is unnecessary to include in the regulation. Removed the repetitive requirement that documentation shall be maintained

			in the resident's record as this is addressed in 22VAC40-151-580 C. Revised for a technical edit that the resident's discharge notification is provided no later than 10 days after the resident's discharge for clarification.
610		This section addresses emergency and self-admissions.	Removed the repetitive requirement that documentation be placed in the resident's record as this is addressed in 22VAC40-151-580 C.
620		This section addresses the application for admission.	Removed the repetitive requirement that the application for admission shall include the necessary information to develop a service and behavior support plans as it is addressed in subdivision B 1 – 6. Removed the repetitive requirement that the completed application shall be in the resident's record as it is addressed in 22VAC40-151-580 C.
630		This section addresses the placement agreement.	Removed the repetitive requirement that the placement agreement and court order shall be in the resident's record as it is addressed in 22VAC40-151-580 C. Incorporated subsection C into subsection B that the provider shall obtain a copy of the court order for clarification.
640		This section addresses the face sheet.	Removed the repetitive requirement that the face sheet shall be in the resident's record as it is addressed in 22VAC40-151-580 C. Revised that the provider shall update information when changes occur as a technical edit for clarification. Removed the repetitive requirement that the face sheet for residents who transfer to facilities operated by the same sponsor shall indicate the address and dates of placement of the transfer location as updated information on the face sheet is addressed in subsection B of this section. Removed the repetitive requirement of documentation of the discharge information as it is addressed in 22VAC40-151-680.

650		This section addresses the initial objectives and strategies.	Removed the repetitive requirement that the initial objectives and strategies be placed in the resident's record as it is addressed in 22VAC40-151-580 C. Removed the requirement that the objectives and strategies shall be based on the reasons for admitting the resident as 22VAC40-151-660 addresses that the individualized service plan address the needs of the resident and the resident's current level of functioning.
660		This section addresses the service plan and quarterly reports.	Revised the section title to remove the forward slash symbol and added the term "progress" for the consistency of how the term is used throughout this regulation for clarification. Removed the repetitive requirement that the initial service plan shall be reviewed within 60 days and with each 90-day period thereafter as it is addressed in subsection E of this section. Revised to add the term "progress" for consistency of how the term is used throughout this regulation for clarification.
670		This section addresses the transfer of residents between facilities operated by the same sponsor.	Revised subsections A and B with technical edits about the transfer of a resident between residential facilities in Virginia that are operated by the same sponsor for clarification.
680		This section addresses the discharge of residents.	Incorporated subsection B that the discharge criteria shall be accessible to prospective residents, legal guardians, and placing agencies into subsection A for clarification. Incorporated subdivision A 2 into subdivision A 1 that the discharge criteria include conditions under which a resident may be discharged prior to completing the program for clarification. Removed the repetitive requirement that documentation be placed in the resident's record as it is addressed in 22VAC40-151-580 C. Revised that the provider shall obtain a copy of the court order for clarification. Revised for technical edits and revised that the provider shall document the

			discharge planning and provide a written discharge plan to the appropriate parties for clarification. Revised for technical edits that the provider shall develop a discharge summary and provide a copy to the persons who made the placement for clarification.
700		This section addresses case management services.	Revised for technical edits for clarification. Removed the repetitive requirement that case management services are documented in the resident's record as it is addressed in 22VAC40-151-580 C.
720		This section addresses the structured program of care.	Revised for technical edits to clarify that the sleep requirement is based on the resident's age and condition.
730		This section addresses the health care procedures.	Incorporated subdivision A 5 into subsection B that the written information shall be up to date and readily accessible to staff for clarification.
740		This section addresses medical examinations and treatment.	Revised the section title to add "for residents" for clarification that section 740 applies to residents. Revised that the provider shall obtain the physical examinations and follow-up care as indicated for clarification. Removed the requirement that the physical examination includes vision and hearing exams as it is addressed in subsection D that the provider shall follow-up on medical care recommended by the physician or as indicated by the needs of the resident in subsection D. Incorporated subdivision E 1 g into subdivision E 1 e that the physical examination shall include restrictions on physical activities for clarification. Removed the repetitive requirement that the facility be aware of the required treatment for the child as it is addressed in subdivision F 1 that the facility can provide care for the child. Revised that the provider shall obtain for each resident a dental examination, document health and dental complaints and injuries with a summary of

			symptoms, and obtain treatment summaries of ongoing psychiatric or mental health treatment for clarification.
750		This section addresses medication.	Revised with technical edit that the medications shall be administered by person authorized to do so by the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) for clarification. Removed that the policy and procedures for medication errors, disposal of medication, the storage of controlled substances, and distribution of medication off campus must be approved by a health care professional to reduce regulatory burden. Revised for technical edit for clarification.
760		This section addresses nutrition.	Revised that the menus of actual meals served are kept on file from 6 months to 3 months to reduce regulatory burden. Removed the requirement that the provider receive approval from the department if they choose to extend the time between meals on the weekends and holidays as it can be addressed through a request for an allowable variance in accordance with 22VAC40-80-230.
770		This section addresses staff supervision of residents.	Revised the term “lead regulatory agency” to “department” for clarification.
780		This section addresses emergency telephone numbers.	Revised the section title to be consistent of the requirements of this section. Moved the requirement that there be one continuously operable, non-paying telephone accessible to staff in each building from 22VAC40-151-530 B to this section for clarification. Removed the repetitive requirement that while the residents are away from the facility, they shall be furnished with an emergency phone number as this is addressed in subsection B of this section.
790		This section addresses searches.	Added that pat downs are conducted by personnel who are trained and authorized to conduct searches for clarification.
800		This section addresses behavior support.	Revised for technical edits for ease of understanding.

			Incorporated subdivision A 5 into subdivision A 2 to include interventions that may escalate inappropriate behaviors in the behavior support plan for clarification.
810		This section addresses timeout.	Revised for technical edits for ease of understanding.
820		This section addresses prohibitions.	Revised "as ordered" to "per written order" for clarification. Revised the outdated organization title and replaced with current title, "disAbility Law Center of Virginia."
840		This section addresses behavior interventions.	Incorporated subdivision B 3 into subdivision B 2 that legal guardians and placing agencies shall receive policies and procedures for clarification. Removed the repetitive requirement that only trained staff members may manage resident's behavior as it is addressed in subsections G and J of this section. Revised that the provider document information for each application of physical restraint for clarification.
860		This section addresses education.	Removed the repetitive documentation requirement as it is addressed in 22VAC40-151-580 C.
880		This section addresses recreation.	Removed the repetitive, overly prescriptive requirements of what to include in the policies and procedures to ensure the safety of residents as it is addressed in subsection B and subsection C. Removed the requirements that the provider shall document the residents' preparation for each activity, ensure all necessary equipment for the activity is in good repair, and the trip schedule as it is addressed in the policies and procedures in subsection B of this section. Removed the repetitive requirement that a lifeguard supervises all swimming activities as this is addressed in subdivision B 3. Removed the repetitive requirement of documentation as it is addressed in 22VAC40-131-580 C.

900		This section addresses clothing.	Removed the clothing requirement of having similar style generally worn by children of the same age as this is adequately addressed in this section. Removed the repetitive requirement that residents are allowed to take personal clothing when leaving the facility as this is addressed in 22VAC40-151-680 that the provider shall have written criteria for discharge that includes important items shall be provided to the legal guardian.
910		This section addresses allowance and spending money.	Removed that the provider shall provide opportunities for the residents to learn the value and use of money as this is unnecessary as the provider assesses the needs of the residents as required in 22VAC40-151-620. Removed that there shall be a policy on allowances made available to legal guardians at the time of admission as this is addressed in 22VAC40-151-840.
920		This section addresses residents' work and employment.	Incorporated subsection D into subsection C that the appropriateness of work be approved by the program director for clarification.
930		This section addresses visitation at the facility and to the resident's home.	Incorporated subsection C into subsection B that the visitation policies of temporary emergency facilities are provided upon request to parents and legal guardians for clarification.
940		This section addresses resident visitation at the homes of staff.	Removed the repetitive requirement that written permission be kept in the resident's record as it is addressed in 22VAC40-151-580 C.
950		This section addresses vehicles and power equipment.	Removed the repetitive requirement that the provider shall implement safety rules for use and maintenance of vehicles and equipment as it addressed in 22VAC40-151-50.
960		This section addresses serious incident reports.	Removed the repetitive requirement that the written reference is placed in the child's record as it is addressed in 22VAC40-151-580 C. Incorporated subdivision C 6 into subdivision B 5 that the provider shall include the placing agency and parent or legal guardian in the documentation of the name of the person to whom the report was made for clarification. Revised notification to the department to one business day from 24 hours to

			reduce regulatory stringency. Removed the repetitive requirements for the documentation for serious illness and referred to subsection B for documentation requirements.
970		This section addresses suspected child abuse or neglect.	Removed the repetitive requirement to document that the report was made in the child's record as it is addressed in 22VAC40-151-580 C. Revised for technical edit of the term "toll free" to "toll-free" for ease of understanding.
990		This section addresses emergency and evacuation procedures.	Revised for technical edit of the term "work place" to "workplace" for ease of understanding. Removed the repetitive requirement as relocating residents is addressed in subdivision A 4 d. Removed the repetitive training requirements for emergency preparedness and response as it is addressed in 22VAC40-151-250 A 2. Revised for technical edits for ease of understanding. Revised for technical edits to remove parentheses for ease of understanding.
1000		This section addresses independent living programs.	Removed the repetitive requirement of the items the independent living assessment tool must cover as it is addressed in subsection A of this section. Removed the repetitive requirement that documentation of staff orientation is kept in the employee's record as this is addressed in 22VAC40-151-240. Revised for technical edit of the term "self administration" to "self-administration."
1010		This section addresses mother and baby programs.	Revised for clarification it is the provider's responsibility to develop a combined service plan. Revised that the provider shall develop policies and procedures for tracking an adverse response to food consumed by the child for clarification of the requirement.

			Revised that the provider shall develop policies and procedures to monitor the child's oral intake and urinary and stool output for clarification of the requirement. Removed the repetitive requirement that bottles shall not be propped as it is addressed in subsection M that bottles shall be held when fed. Incorporated subdivision Q 2 into subdivision Q 1 that provider shall develop policies and procedures for follow-up health care. Removed the repetitive requirement that the provider shall develop policies and procedures regarding medication administration as it is addressed in subdivision Q 3. Incorporated subsection S into subsection R that the provider shall develop policies and procedures that toys and equipment used by children are clean.
1020		This section addresses campsite programs or adventure activities.	Repealed section 1020, removed the requirements for campsite programs as the last licensed campsite program closed in March 2021. No new applicants for licensure of campsite programs have been since that time.