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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department for Aging and Rehabilitative Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC30-30
VAC Chapter title(s)	Provision of Independent Living Rehabilitation Services
Date this document prepared	October 21, 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*.

Acronyms and Definitions

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

ACL = Administration for Community Living
DARS = Virginia Department for Aging and Rehabilitative Services
CFR = Code of Federal Regulations
CIL = Center for Independent Living
ED = U.S. Department of Education
HHS = U.S. Department of Health and Human Services
IL = Independent Living
RSA = Rehabilitation Services Agency
SGF = State General Funds
SILC – Statewide Independent Living Council
VAC = Virginia Administrative Code
VACIL = Virginia Association of Centers for Independent Living
WIOA = Workforce Innovation and Opportunity Act of 2014

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 or 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.

Generally, section 51.5-131 of the Code of Virginia authorizes the Commissioner of the Virginia Department for Aging and Rehabilitative Services (DARS) to promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth of Virginia. More specifically, section 51.5-161 of the Code of Virginia directs DARS to “make grants or enter into contracts, in accordance with rules and regulations of the Commissioner,” with centers for independent living (CILs). Over the years, the Virginia General Assembly has appropriated SGF to supplement federal funding and support IL services provided by Virginia CILs (see 2025 Appropriation Act [Item 314 K](#)). This regulatory chapter (22VAC30-30) governs the delivery of IL services with state general funds (SGF).

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no viable alternatives for achieving the purpose of the regulation. This regulation is required by the Code of Virginia and the Periodic Review complies with the requirements in Executive Order 19 (2022).

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Maureen Hollowell, Virginia Association of Centers for Independent Living, provided all public comments received.	The title of this chapter should be reconsidered since IL is not rehab. Updated federal citations needed. Reflect the change in administration from the US Department of Education to the US Department of Health and Human Services. Terms such as the state, the department and the DSU appear to be inconsistently used. Terminology should be defined and then consistently used.	The title of this chapter will be changed to the Provision of Independent Living Services. These regulations are written to follow 45 CFR Part 1329, which changed the administration of Independent Living Services and the Centers for Independent Living made under current law in alignment with ACL and HHS policies and practices. In order to be consistent, the terminology and definitions used in the code of federal regulations are used in 22VAC30-30.
	22VAC30-30-10. Definitions	This regulation will mirror the Code of Federal Regulations wherever possible.

	<p>“Attendant care” should be termed support not “care”.</p> <p>CILs are organizations and not agencies.</p> <p>“Service provider” could be DARS, a CIL or an individual. The service providers should be required to meet all of the standards of a CIL.</p> <p>“Unserved and underserved groups or populations” are defined. These need to be changed to reflect the planning process that the SILC and the CILs use to determine unserved and underserved.</p>	<p>Definitions utilized in the regulation shall mirror those found in 45 CFR Part 1329.</p> <p>The term used and defined in 45 CFR Part 1329 is “attendant care”. However, the term “personal assistance services” is also defined in this regulation. “Attendant care” is a part of “personal assistance services”.</p> <p>The definition of a Center for Independent Living in 45 CFR Part 1329 is used. Sec 726 of the Act.</p> <p>The amendment is utilizing the definition of “service provider” found in in 45 CFR Part 1329. In the proposed draft of the amendment, only CILs will be service providers.</p> <p>The definition utilized by 45 CFR Part 1329 is the definition used in this regulation. The regulation does require that this definition include:</p> <ol style="list-style-type: none"> 1. Members of a racial or ethnic minority; 2. Disadvantaged individuals; 3. Individuals with limited English proficiency; <p>or</p> <ol style="list-style-type: none"> 4. Individuals from underserved geographic areas (urban or rural). <p>However, it is not limited to only these groups. Therefore, the regulation is flexible to allow for the SILC’s and CILs’ planning process.</p>
	<p>22VAC30-30-20. Eligibility for independent living services.</p> <p>Item B. There is a provision that prohibits the IL “services provider” from imposing any “residence requirement” that excludes any individual who is in Virginia and eligible for IL. There needs to be a practical way to address this requirement and clarification of this requirement.</p> <p>Item D. This item provides authority to the CIL to determine an individual’s eligibility. That is appropriate. However, it appears that if DARS or an individual is contracted with for IL services, DARS or the individual contracted with would establish eligibility. If DARS or an individual is contracted</p>	<p>This section will be amended in an effort to clarify this section. No residency requirement may be applied according to the Code of Federal Regulations. An individual who is present in Virginia and otherwise eligible for IL services cannot be denied service because his or her legal residence is not in Virginia. This is also based on sec 725 WIOA standards and assurances.</p> <p>As of this writing [2017], the only contract that the DSE has for the provision of IL services is with the CILs. It is planned that the proposed amendment to the regulation will address only CILs as service providers.</p> <p>However, if the DSE enters into contracts with other entities to provide a specific IL service, the terms of the contract between</p>

	for IL services, the determination of eligibility should be determined by the individual.	the DSE and future service providers will need to be determined at the time of the contract.
	<p>22 VAC30-30-31. Consumer service record.</p> <p>Maintaining a consumer service record for someone using Medicaid fee for service or school services may need to be different from the consumer service records now maintained due to requirements of Medicaid or the school for maintaining records. This item requires that a waiver of the requirement for an IL plan has to be in writing. This should be updated considering the extent to which electronic records are now used.</p>	<p>The proposed amendment will contain only the minimal federal requirements required in the records of all consumers (except those seeking only information and referral services). Any additional requirements that are needed by the payer of a fee for service need to be established between the CIL and payer at the time of service agreement.</p> <p>The WIOA assurances require signatures on the waiver for a plan of IL services.</p>
	<p>22VAC30-30-50. Ineligibility</p> <p>Item B requires that if an applicant is found ineligible for IL services, the individual's status for eligibility shall be reviewed at least once a year, unless the individual refuses the review, they no longer live in Virginia or their whereabouts are not know. Is this process necessary and how often people are being found ineligible? The current regulation seems to be imply that an individual has the right to have eligibility reconsidered only once a year.</p>	<p>Federal requirements for eligibility will be reviewed to ascertain what is required.</p> <p>The intention was that the individual had a right to a review of eligibility at least once a year. This section will be reviewed for clarity.</p>
	<p>22VAC30-30-60. Order of selection for services.</p> <p>The regulation predetermines the priorities for order of section for IL services. The priorities should be established by the CILs based on their knowledge of the needs and preferences of people with disabilities in their communities.</p>	<p>This section may be amended or deleted. IF the CILs are able to continue to provide core services to all who are eligible, this section is not required.</p>
	<p>22VAC30-30-70. Independent living plan.</p> <p>Item A. of the regulation should make the IL plan the responsibility of the CIL.</p> <p>Item D. requires the IL plan and provision of IL services to "be</p>	<p>This section will be amended to delegate this function to the CILs.</p> <p>Coordination helps to ensure that the individual programs know what services are</p>

	<p>coordinated to the maximum extent possible with any written rehabilitation program for vocational rehabilitation services”. This is often not practical or desired by the individual.</p>	<p>being provided in order to benefit to the consumer. If coordination is not desired, then it may not be possible. However, coordination would be possible and required if the VR program is authorizing payment for the specific service for the consumer.</p>
	<p>22VAC30-30-80. Scope of IL services for individuals.</p> <p>The fifth core service should be added Item C. states “uniform durational limitations” on IL services cannot be imposed. Some IL services may have limitations established by the funding source.</p>	<p>The fifth core will be added to the amendment.</p> <p>This section prohibits across the board limits on duration of service. It does not prohibit service duration as a result of a funding source.</p>
	<p>22VAC30-30-90. Participation by individuals in the cost of services.</p> <p>Establishing a process and purpose for financial participation and the cost of living allowance needs to be carefully reviewed and revised to eliminate conflicts with other programs that fund the listed IL services. For example, CILs have agreements with the Virginia Housing Developmental Authority for home modifications and CILs cannot establish financial participation requirements.</p>	<p>CILs provide core services at no cost to the consumer. The section will be revised to reflect this.</p> <p>In addition, this section is being revised to allow CILs more flexibility in providing additional services that are covered by nonfederal funding sources.</p>
	<p>22VAC30-30-110. Consumer appeal procedures.</p> <p>This section has specific requirements for providing alternate formats of notice and information. While VACIL agrees that CILs should ensure that effective communication is provided, such as providing alternate formats, this requirement applies throughout all communication and not just the appeal process.</p>	<p>This section deals with the appeals process. Alternate forms of communication are discussed in other sections as well.</p>
	<p>22VAC30-30-120. Protection, use and release of personal information.</p> <p>This section needs to be revised to limit the exchange of personally identifiable information to situations in which there is the need to know and when necessary for the provision of IL. As written, the current regulation is too broad.</p>	<p>Exchange of personally identifiable information and protected health information is covered by other regulations with which this regulation must comply. Depending on the type of information that is being released, there are different state and federal regulations that apply. This section is written in an effort to address all possible conditions.</p>

	<p>Item D.3. appears to prohibit the release of an individual’s information to the individual. Even in cases of an audit or research activity, the information should be available to the individual.</p>	<p>This section prohibits the release of information to a third party under certain circumstances. Confidential information cannot be released to a third party if stamped “not for rerelease”. It cannot be released to the individual if the originator of the information prohibits the release.</p>
	<p>22VAC30-30-131. Agencies eligible for CIL program.</p> <p>Item B.4. should be reviewed to determine the purpose of this item that addresses situations in which the state operates a CIL. Item D. which addresses IL services for individuals who are blind should be reviewed for compliance with federal law and to determine if this is the most cost effective and practical way to provide IL services to individuals who are blind. Item D.4. does not appear to be language specific to Virginia, rather it is a statement from federal language. The entirety of Section 131 should be reviewed to determine if the provisions are federal requirements, if these provisions are necessary, and if the decisions can be made by the CIL or jointly between the CIL and the US Department of Health and Human Services. Item F.3.c. requires CILs to “address local personal assistance services issues, including cooperation with DRS in the administration of the Personal Assistance Services (PAS) program”. Considering changes that DARS has made to this program over the years thereby reducing the involvement of CILs and cessation of the advisory council, this item may not be necessary. Item F.3.d. references the DARS “CIL Title VII, Part B Procedures Manual” and other DARS and state policies. These documents should be reviewed for continuing applicability and appropriateness as part of the review of this regulation. Item G.2. discusses the use of a “peer review committee” in selecting a new CIL.</p>	<p>This entire section will be revised to comply with the recent federal regulations and with the changes that have taken place since this regulation was written.</p>

	<p>The composition of the peer review committee should be addressed in the regulation.</p>	
	<p>22VAC30-30-160. Staff</p> <p>The regulation needs to be reviewed for consistent use of the terms CIL and service provider. An example of inconsistent use of these terms is in this section. Item A states that the majority of CIL staff should be people with disabilities. Item B states that the staff of the service provider shall include personnel who are specialists. The service provider is a CIL. Item C. states that the CIL must meet all relevant licensure and certification requirements of DARS. Any licensure and certification requirements should be reviewed for applicability to IL services when determining if this language should remain in the regulation.</p>	<p>This section will be revised to provide consistency and reflect changes that have occurred in the provision of IL services.</p>
	<p>22VAC30-30-171. CIL assurances.</p> <p>The assurances listed in the regulation should be reviewed to determine if each assurance is required by federal regulation or law, needs to be continued, the burden placed on the CIL to collect and report information related to the assurances, and the purpose and use of the collected information.</p>	<p>This will be reviewed for federal and state compliance.</p>
	<p>22VAC30-30-191. Compliance Indicators</p> <p>Item C.1.g. addresses material in alternative formats. This item should be revised to require alternative formats to ensure effective communication.</p> <p>Item C.3. addresses IL goals. Individuals who receive information and referral are not required to have established goals for this specific service.</p>	<p>This will be reviewed for federal and state compliance.</p> <p>This will be added</p> <p>This is addressed in section 31.</p>
	<p>22VAC30-30-211. Periodic review of centers for independent living.</p>	<p>This section will be rewritten to clarify the terminology.</p>

	<p>Item A.1. references “state-funded CILs”. While this term is often used by the CILs, SILC and DARS to mean those CILs that do not received federal Part C funding, the term is misleading. All Virginia CILs receive state funding. No Virginia CIL is fully funded with only state funds. A more accurate term should be used to reference CILs who do not receive Part C funding.</p>	
	<p>22VAC30-30-250. Referrals.</p> <p>If these do not already exist, DARS should develop, establish and maintain written standards and procedures for counselors to pursue IL services from CILs when requested by the individual. Those written standards and procedures and the standards and procedures for CILs should be required to be made public and information provided to individuals receiving DARS-provided vocational services</p> <p>The regulation should include a provision requiring the DARS counselors to inform individuals about IL services.</p>	<p>This is a policy issue and is addressed in the DRS Policy and Procedures Manual which is available online at https://sp.wvrc.net/VRmanual and in the DARS Service Reference Manual. https://www.vadars.org/formscabinet</p> <p>22VAC30-20-95 under Provision of Rehabilitation Services addresses vocational rehabilitation referrals to other service providers.</p>

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulatory chapter protects the health, safety and welfare of Virginia citizens because it ensures the effective and efficient use of SGF in the delivery of IL services for individuals with disabilities. These important services assist individuals with disabilities to live more independently and support their improved quality of life.

While the chapter is generally clearly written and easily understandable, it does contain outdated provisions and content that conflicts with federal requirements. These conflicts hinder the clarity and ease of understanding in the chapter.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Having concluded the Periodic Review, the agency has determined that the regulation should be amended.

Among the issues that need to be addressed are:

- inconsistencies between state regulations and federal law and regulations that do not support effective or efficient IL service delivery,
- the lingering inclusion of outdated federal law and regulatory provisions that do not apply, and
- the need to account for current service delivery and operational practices that are used by DARS and CILs.

Small Business Impact

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 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.

This regulation is necessary to comply with § 51.5-161 et seq. of the Code of Virginia and to establish requirements for the delivery of IL services with SGF.

Other than the comments received during the Periodic Review and addressed above, DARS has not received any other complaints or concerns about the regulation.

The regulation prescribes requirements for the provision of IL services with SGF. While the regulation is not complex inherently, it has become dated due to the recent adoption of new federal laws and regulations governing federally-funded IL services.

The state regulation is intended to align with federal laws and regulations. Specifically, §51.5-162 of the Code of Virginia states that "independent living services provided pursuant to this article shall be provided in accordance with the federal Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), as amended."

The federal Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) provides the authority for federal funding for IL services. The Rehabilitation Act of 1973 was last amended through the adoption of the Workforce Innovation and Opportunity Act (WIOA, Public Law. 113–128) of 2014. Through WIOA, the federal oversight and administration of federal funding for IL services was shifted from the U.S. Department of Education (ED) Rehabilitation Services Administration (RSA) to the U.S. Department of Health and Human Services (HHS) Administration for Community Living (ACL). Following the passage of WIOA, regulatory oversight of federally-funded IL services was updated and shifted from 34 CFR Parts 364, 365, and 366 to [45 CFR Part 1329](#).

However, these statutory and regulatory changes have not been subsequently carried through to state regulations, leading to overlap, duplication, and conflict. A forthcoming regulatory action, stemming from this Periodic Review, will focus on fixing these issues.

The regulation was last amended in 2012 to update the state agency name (changed from "Department of Rehabilitative Services" to "Department for Aging and Rehabilitative Services). Prior to that, the last substantial amendments made to the chapter were completed in 2004 to align state regulations with the

federal regulations that were in place at the time. As stated earlier, changes to federal laws and regulations have impacted Virginia's IL services regulations. Further, the agency has issued guidance in recent years clarifying the requirements for electronic recordkeeping and electronic signatures for CILs in the delivery of IL services, reflecting changes to the technology and practices in delivering IL services.

While CILs would be considered nonprofit small businesses, DARS intends to work closely with the Virginia Association of Centers of Independent Living (VACIL) and other disability advocacy groups to ensure revisions to the state regulation create a more current, accurate chapter that supports the CILs in delivering these important IL services and that supports DARS in its role to oversee the effective and efficient use of SGF.

