

**MINUTES
GENERAL PROCEDURES COMMITTEE
CHILD DAY-CARE COUNCIL
JUNE 9, 2003**

Present: Elizabeth Dowdy, Committee Chair; Jane Craig; Susan Hackney; Gail Johnson, Council Chair; Julie Christopher, State Board of Social Services representative

Absent: Susan Ballard, Nancy Rogers

Staff: Judy McGreal,Carolynne Stevens

Call to Order

Ms. Elizabeth Dowdy called the meeting to order at 1:30 p.m. She stated the goal was to agree on one General Procedures document for both the Child Day-Care Council and the State Board of Social Services. Mrs. Judy McGreal stated that she had changes from the Office of the Attorney General that were primarily for clarification and were not substantive issues. The following chart, which was developed by the Division of Licensing Programs, contains the changes made to the draft regulation at the meeting as well as changes based on guidance from the Office of the Attorney General.

Regulation Sections	Changes
22 VAC 40-80-10 Definitions.	<ul style="list-style-type: none"> • Added a definition of “administrative hearing.” • In the definition of “aggrieved party” added “or adverse action” after administrative sanction. • Amended definition of “consent agreement” by adding that the agreement is between the licensee and the department.
22 VAC 40-80-50 Regulation development/revision process.	<ul style="list-style-type: none"> • Amended B. and C. to clarify that this includes the Child Day-Care Council and the State Board of Social Services. • Amended C. for clarity. Deleted “vulnerable.”
22 VAC 40-80-60 General.	<ul style="list-style-type: none"> • Amended B. to add a Code reference to the beginning of the sentence.
22 VAC 40-80-80 Conditional license	<ul style="list-style-type: none"> • Deleted a sentence and rewrote for clarity to state that a conditional license may be renewed, but the issuance of a conditional license and any renewals thereof shall be for no longer than six successive months.
22 VAC 40-80-100 Duration of licensure	<ul style="list-style-type: none"> • Deleted “regardless of the facility’s compliance with minimum requirements” from Exception. This eliminates confusion that a center that is in substantial non-compliance can maintain its license for two years.

<p>22 VAC 40-80-140 The initial application</p>	<ul style="list-style-type: none"> • Added language that the applicant will be notified in writing if an application is found to be incomplete.
<p>22 VAC 40-80-150 Approval of buildings and functional design features</p>	<ul style="list-style-type: none"> • In the NOTE at the end of standard 1., the last sentence was deleted because it was redundant. • Standard 3. was amended to state that the department will issue the Preliminary Approval Statement within 20 days.
<p>22 VAC 40-80-160 The investigation</p>	<ul style="list-style-type: none"> • In EXCEPTION 3. added “if applicable” to indicate that inspection reports would only be required where necessary. • Added a NOTE at the end of standard B. to reference the department’s background check regulation. • Added an EXCEPTION to standard C. referencing a Code exception for inspection of financial records of child welfare agencies. • In standard D., added “designee” to those persons with whom the licensing representative may discuss investigation findings.
<p>22 VAC 40-80-180 Determination of continued compliance</p>	<ul style="list-style-type: none"> • In standard C., clarified the number of inspections required yearly, rather than in the licensure period.
<p>22 VAC 40-80-230 Conditions for initiating a request</p>	<ul style="list-style-type: none"> • In standard A., deleted “special” and replaced it with “substantial, financial or programmatic” hardship.
<p>22 VAC 40-80-240 Process</p>	<ul style="list-style-type: none"> • Added a NOTE after standard D. stating that after a 30-day period, the applicant or licensee may submit a new allowable variance request describing changed conditions.
<p>22 VAC 40-80-270 Second step review</p>	<ul style="list-style-type: none"> • Standard E. was amended to add a scheduled conference to the provision for a desk review.
<p>22 VAC 40-80-340 Administrative sanctions</p>	<ul style="list-style-type: none"> • Separated B. into two standards, one related to adult care facilities and one to child welfare agencies. Made a new standard D. related to special orders and listed the special orders under D.
<p>22 VAC 40-80-370 Appeal process</p>	<ul style="list-style-type: none"> • Amended A. to add three sentences regarding service of the notice. These sentences were moved from 40-80-410 because it was more appropriate to have it at 40-80-370. • Amended C. to add “applicant.” • Renamed the Table for clarity but content was not changed.

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	<ul style="list-style-type: none"> In standard D. and throughout the remainder of the document “final case decision” was changed to case decision.
22 VAC 40-80-375 Failure to pay civil penalty	<ul style="list-style-type: none"> Standard A. was amended to change “final order” to “case decision.”
22 VAC 40-80-400 Statutory basis for appeal process	<ul style="list-style-type: none"> Code section 63.2-1709 D. was added to other Code sections referenced.
22 VAC 40-80-410 Notice of right to appeal	<ul style="list-style-type: none"> This standard was deleted because the information is found in 40-80-370. The last three sentences of the former 40-80-410 were moved to 40-80-370.
22 VAC 40-80-410 (new) Duties of the hearing coordinator	<ul style="list-style-type: none"> The content of this standard remains the same but it has been broken down into separate elements and rearranged for clarity.
22 VAC 40-80-420 (new) Informal conference	<ul style="list-style-type: none"> B. has been divided into two parts. “...rather than proceeding to an administrative hearing” has been deleted. (new) C. has been amended to clarify that the chair of the informal conference is the “department appointed chair of the conference.” E. has been amended to clarify that an appeal following an informal conference related to special orders shall be made to the Circuit Court. Other than the above changes, the content of the standard has not been changed, but sentences were rearranged.
22 VAC 40-80-430 (new) Consent agreements	<ul style="list-style-type: none"> In B.2., “proposal” was changed to “proposed agreement.” In B.7., “denial or revocation” was changed to “adverse action.” In C., “department appointed” was added before “negotiator.”
22 VAC 40-80-440 (new) Acknowledgment of request for an administrative hearing	<ul style="list-style-type: none"> Deleted the information that the hearing coordinator will schedule a date, time, etc. for the hearing because it is already in the standard regarding hearing coordinator’s duties.
22 VAC 40-80-450 (new) Continuances	<ul style="list-style-type: none"> The previous first sentence was deleted. The content of the rest of the standard remains the same but it has been rearranged. The last sentence was amended to

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	clarify that all parties shall avoid delay by unnecessary postponements.
22 VAC 40-80-470 (new) Prehearing conferences	<ul style="list-style-type: none">• Sentence three was rewritten to clarify that during a prehearing conference the hearing officer may direct parties to submit and exchange certain documents. These documents are specified.
22 VAC 40-80-490 (new) Rules of evidence	<ul style="list-style-type: none">• Standard A. was amended slightly to clarify burden of proof.
22 VAC 40-80-510 (new) Recommendations of the hearing officer	<ul style="list-style-type: none">• In standard A., the second sentence regarding the hearing officer's recommendation was deleted because it was unnecessary.=
22 VAC 40-80-520 (new) Case decision	<ul style="list-style-type: none">• Deleted "final case decision" and replaced it with "case decision."• A new D. was added to clarify when an adult care facility or child welfare agency may apply for a license following refusal of issuance or renewal of a license by the Commissioner.

Adjournment

There being no further business, the meeting was adjourned at 4:00 p.m.

Prepared by: Susan Hackney