



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-80
Regulation title	General Procedures and Information for Licensure
Document preparation date	December 15, 2010

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-217 of the Code of Virginia (the Code) gives the State Board of Social Services (Board) authority to adopt and enforce regulations to carry out the purposes of Title 63.2 of the Code concerning Social Services. Chapter 17 of Title 63.2 contains statutes for the licensure of assisted living facilities, adult day care centers, and child welfare agencies.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

An alternative for achieving the purpose of the regulation would be to use the Code of Virginia for enforcement of the requirements for licensure of assisted living facilities, adult day care centers, and child welfare agencies. However, the language of the statute would be difficult for applicants, licensees, and licensing inspectors to interpret. This regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No comments were received during the public comment period.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 14 in that it facilitates the efficient and effective operation of state government by clarifying the requirements for the issuance and maintenance of a license to operate an assisted living facility, adult day care center, or child welfare agency. The regulation is necessary for the protection of public health, safety, and welfare and is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation’s impact on the institution of the family and family stability.

The regulation has no direct impact on the institution of the family or family stability.