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Sent: Friday, February 11, 2011 3:00 PM
To: licensinglistserv@virginiainteractive.org
Subject: General Procedures and Information for Licensure" revisions

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DATE: February 11, 2011
TO: Child day centers and children's residential facilities
FROM: Lynne Williams, Director
Division of Licensing Programs
SUBJECT: "General Procedures and Information for Licensure" revisions

Several revisions have been made to the "General Procedures and Information for Licensure" regulation, 22 VAC 40-80. These revisions will be effective February 16, 2011. The complete regulation can be viewed at:
http://www.dss.virginia.gov/files/division/licensing/adcc/intro_page/code_regulations/regulations/035-05-017-09-eng.pdf.

The revisions that have been made to 22 VAC 40-80 include:

- 22 VAC 40-80-160. The investigation. Subpart (C) has been revised to state that the applicant or licensee shall at all times afford the department's representative reasonable opportunity to inspect all of the facility's or agency's buildings, books, and records.
- 22 VAC 40-80-160. The investigation. A new subpart (D) has been added requiring the applicant or licensee to allow the department's representative to interview the facility's or agency's agents, employees, residents, participants, and any person under its custody, control, direction, or supervision. It specifies that interviews shall be authorized by the person to be interviewed or his legally authorized representative and limited to discussion of issues related to the applicant's or licensee's compliance, including ascertaining if assessments and reassessments of residents' cognitive and physical needs are performed as required under regulations for licensure of the facility or agency.
- 22 VAC 40-80-160. The investigation. Existing subparts (D) and (E) are renumbered (E) and (F).
- 22 VAC 40-80-180. Determination of continued compliance (renewal and monitoring inspections). Subpart (C) has been revised to substitute "Adult day

care centers” where “All adult care facilities” currently appears. Additionally, a reference to a “visit” has been revised to “inspection.”

- 22 VAC 40-80-180. Determination of continued compliance (renewal and monitoring inspections). A subpart (D) has been added that states that assisted living facilities issued a license for a period of six months shall be inspected at least two times during the six-month period, and at least one of those inspections shall be unannounced.
- 22 VAC 40-80-180. Determination of continued compliance (renewal and monitoring inspections). A subpart (E) has been added stating that assisted living facilities issued a license for a period of one, two, or three years shall be inspected at least once each year, and that inspection shall be unannounced. Additionally, they will be inspected as needed based on compliance with applicable laws and regulations.
- 22 VAC 40-80-180. Determination of continued compliance (renewal and monitoring inspections). Existing subparts (D) and (E) have been renumbered (F) and (G).
- 22 VAC 40-80-150. Recommendations of the hearing officer. The reference to § 63.2-1709.2 D of the Code of Virginia in subpart (C) has been changed to § 63.2-1709.2 B.