

From: Licensing [mailto:DSS_LICENSING@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Williams, Edwina (VDSS)

Sent: Friday, November 03, 2017 10:49 AM

To: DSS_Licensing

Subject: Revisions to General Procedures and Information for Licensure

The attached file is being sent to child day centers, family day homes, family day systems, child placing agencies and children's residential facilities from the Virginia Department of Social Services Email Distribution Service.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: November 2, 2017

TO: All Licensed Children's Programs

FROM: Charlene Vincent, Director
Division of Licensing- Children's Programs

SUBJECT: Revisions to General Procedures and Information for Licensure

The Division of Licensing Programs' regulation, 22VAC40-80 General Procedures and Information for Licensure, has been revised to correspond with changes made to the Code of Virginia by the 2017 Session of the General Assembly. This action was exempt from the full Administrative Process Act regulatory process because the purpose of the revision was only to incorporate changes in state law.

The amended General Procedures and Information for Licensure was published as a final regulation in the Virginia Register of Regulations on September 18, 2017. (Volume 34, Issue 2) The effective date of the amended regulation is October 19, 2017. A copy of the regulation can be found here:

http://www.dss.virginia.gov/files/division/licensing/cdc/intro_page/code_regulations/regulations/final_gp_reg.pdf

Changes that affect Children's Programs

The definition of "applicant" in 22VAC40-80-10 now includes additional entities that may operate a child welfare agency. The underlined portion is new.

"Applicant" means the person, corporation, partnership, association, limited liability company, or public agency that has applied for a license to operate or maintain an assisted living facility, adult day care center, or child welfare agency. For a child welfare agency, the "person who operates or maintains a child welfare agency" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority,

instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency.

(Reference: Code of Virginia § 63.2-1701)

The definition of “licensee” in 22VAC40-80-10 now includes additional entities that may operate a child welfare agency. The underlined portion is new.

"Licensee" means the person, corporation, partnership, association, limited liability company, or public agency to whom a license is issued and who is legally responsible for compliance with the regulations and statutory requirements related to the operation or maintenance of the assisted living facility, adult day care center, or child welfare agency. For a child welfare agency, the "person who operates or maintains a child welfare agency" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency.

(Reference: Code of Virginia § 63.2-1701)

Changes that affect Adult Programs

The aggregate amount of civil penalties for assisted living facilities is to not exceed \$10,000 from a 24-month period to a 12-month period of time. This change is found in 22VAC40-80-340-6-e.

“Assessing a civil penalty for each day an assisted living facility is or was out of compliance with the terms of its license and the health, safety, and welfare of residents are at risk. The aggregate amount of such civil penalties shall not exceed \$10,000 in any 12-month period. Criteria for imposition of civil penalties and amounts, expressed in ranges, are developed by the board and are based upon the severity, pervasiveness, duration, and degree of risk to the health, safety, or welfare of residents. Such civil penalties shall be applied by the commissioner in a consistent manner.”

(Reference: Code of Virginia § 63.2-1709.2)

If you have any questions, please contact your licensing inspector.