

**GENERAL PROCEDURES  
AND  
INFORMATION FOR LICENSURE  
22 VAC 40-80  
Effective July 17, 2013**

# **Technical Assistance**

**Updated 01/15**

**DEPARTMENT OF SOCIAL SERVICES  
COMMONWEALTH OF VIRGINIA**

**TECHNICAL ASSISTANCE**  
VIRGINIA DEPARTMENT OF SOCIAL SERVICES  
GENERAL PROCEDURES AND INFORMATION FOR LICENSURE  
22 VAC 40-80  
Effective July 17, 2013

- All new or revised technical assistance questions and answers (Q/A) are now highlighted in **BOLD** within the body of this document.
- Each PART that includes new or revised technical assistance Q/A has been identified in the Table of Contents below with an asterisk (\*).
- The numbers and dates noted in the parentheses at the end of each Q/A are the Division of Licensing Programs’ (DOLP) internal reference number and include the answer’s latest revision date.

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## PART I. INTRODUCTION

### 22 VAC 40-80-10. Definitions.

#### 22 VAC 40-80-10. Definitions. (“Licensee”)

**Question:** *May a family day home license be issued in the name of more than one person such as a man and wife, mother and daughter, etc.?*

**Answer:** No. General Procedures defines “licensee” as “the person,” not “persons,” applying for or being issued a license.

Also, the Division of Licensing Programs’ database requires a family day home license to be issued in the name of one person. (0001 - 04/09)

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## PART III. LICENSE

### 22 VAC 40-80-60. General.

#### 22 VAC 40-80-60. General.

**Question:** *A licensed day program (family day home, child day center, adult day care center) is in violation of which standard if it provides day care outside its hours of operation?*

**Answer:** The licensee declares the facility’s hours of operation on the initial application for licensure and on each renewal application. If the licensee operates the facility at other hours, he has made a false statement to the commissioner with respect to the operation of the facility and is in violation of 22 VAC 40-80-60 B 2. (0002-06/09)

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### 22VAC 40-80-70 Nontransferability of license.

**Question:** *What is required when a facility changes location?*

**Answer:** The license cannot be transferred when the facility moves from one location to another. The licensee may not operate in the new location until a new license is issued (except for residential facilities forced to relocate due to an emergency). The standard allows licensed child-placing agencies and family day systems to operate in a new location with the current license.

The licensee must submit to the area licensing office, 60 days prior to the anticipated change in location, a written request for a modification to the current license.

In an emergency situation such as, but not limited to fire, flood, or storm damage, 1) a licensee must notify the area licensing office prior to the change of location; and 2) a licensee operating a residential facility must notify the area licensing office of the change of location as soon as practicable after the emergency occurs.

A licensee (except licensed child-placing agencies and family day systems) must provide the following to the area licensing office before the request for a modification to the license due to a relocation will be considered:

- A copy of the fire inspection, if required by program

standards;

- A copy of the health (sanitation) inspection, if required by program standards;
- The Building Evaluation or Inspection Form, if required by program standards;
- A floor plan, if required by program standards;
- A site plan, if required by program standards;
- An asbestos statement, if required by child day center standards;
- Verification of liability insurance, if required by program standards; and
- For family day homes, verification of a contact with the local zoning administrator regarding the new site.

A model form, “License Modification Request for Facility Change of Location,” is available on each program’s website which can be accessed by clicking on the appropriate program at: <http://www.dss.virginia.gov/about/licensing.html> (0005 – 1/14)

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## **PART IV. THE LICENSING PROCESS**

### **22 VAC 40-80-210. Renewal process.**

#### **22 VAC 40-80-210. Renewal process.**

**Question:** *May a license be renewed if the facility has no one in care?*

**Answer:** General Procedures and Information for Licensure at 22 VAC 40-80-210 states that for renewals, the department will follow the procedure for investigation at 22 VAC 40-80-160. 22 VAC 40-80-160 C states, “Compliance with all standards will be determined by the Department of Social Services.” If the applicant for renewal is incapable of demonstrating his compliance with all the standards because during the inspection period there were no children/adults in care, then the Licensing Inspector may recommend that the application for renewal be denied.

**Because each facility is different, the determination to deny the renewal application should be made on a case-by-case basis. All renewals should follow the same procedures.**

**The provisional license to operate is not appropriate for the applicant for renewal who is incapable of demonstrating his compliance with all the standards because there are no children/adults in care. The provisional license may be issued “when a regular license expires and the applicant is temporarily unable to comply with the requirements of the regulations” (General Procedures 22 VAC 40-80-110). A provisional license is for those facilities who are working toward obtaining necessary compliance through implementation of corrective actions.**  
**(0003 – rev 01/15)**

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