GENERAL PROCEDURES
AND
INFORMATION FOR LICENSURE
22 VAC 40-80
Effective December 28, 2006

Technical Assistance

Updated 09/09

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 December 1984

NAVIGATION NOTES (some of which are only available in the electronic version):

- Dates in the Table of Contents signify updates incorporated since the last revision.
- The number of "Q#"s corresponds to the number of updates to that section.
- The Table of Contents is hyperlinked to the corresponding section of the document.
- The numbers in the parentheses at the end of each answer are the Division of Licensing Programs' (DOLP) internal reference number and 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.

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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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PART IV. THE LICENSING PROCESS

22 VAC 40-80-210. Renewal process. (09/09-Q1)

22 VAC 40-80-210. Renewal process.
Question(Q1): *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 B 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 – 9/09)

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