

**State of Emergency Suspension of DSS Licensing  
Assisted Living Facilities (ALF) Regulation Requirements**

The terms 'waive' and 'allow leniency' in this document are used interchangeably. Licensing inspectors will not cite for noncompliance for the requirements described in this document if the provider is unable to comply due to the state of emergency. The provider must still comply with all requirements once the emergency has passed.

**1. Documentation and training requirements**

- **22VAC40-73-120. Staff orientation and initial training.**  
Allow leniency on topics staff need for orientation and training, excluding medication training.
- **22VAC 40-73-210. Direct care staff training.**  
If annual or other training deadlines occur during the state of emergency, extend for 90 days beyond the end of the state of emergency.
- **22VAC40-73-220. Private duty personnel.**  
Waive the requirement regarding TB screenings, orientation and training for private duty personnel.
- **22VAC40-73-240. Volunteers.**  
Allow leniency on staff orientation, training, and annual training requirements for new volunteers. This would exclude resident rights, confidentiality, emergency procedures, and infection control.
- **22VAC40-73-250 Staff records and health requirements.**  
For staff hired to ensure an adequate staffing pattern, waive the requirements for TB screenings and orientation/training requirements for these staff. Staff coming from facilities that are already licensed can copy and bring their file with them. If annual TB screening deadlines occur during the state of emergency, extend for 90 days beyond the end of the state of emergency.
- **22VAC40-73-260. First aid and CPR certification.**  
For providers whose CPR, medication, or First Aid certifications expire during the state of emergency, extend these certifications for 90 days.
- **22VAC 40-73-320. Physical examination and report.**  
If annual TB screening deadlines occur during the state of emergency, extend for 90 days beyond the end of the state of emergency.
- **22VAC40-73-330. Mental health screening.**  
Allow leniency in requiring a mental health screening no later than 30 days after admission if the facility does not have a qualified screener on staff, and document attempts to meet the requirements of the standard and the reason it was unable to do so.
- **Article 2: Mixed Population**  
**22VAC40-73-1030. Staff training.**

Allow an extension for direct care staff hired in response to the emergency to complete the required 6 hours of training in working with individuals who have a cognitive impairment.

## **2. Staff qualification requirements**

- **22VAC40-73-150. B.5, 6 and 7**

Allow leniency for extending the time for an acting administrator if the expiration occurs during the emergency.

## **3. Assessment and service requirements**

- **22VAC40-73-360. Emergency placement.**

Allow leniency in the documentation and approval time frame requirements for emergency placement.

- **22VAC40-73-380. Resident personal and social information.**

Allow leniency in acquisition of certain personal and social information prior to or at the time of admission, including: service in the armed forces; lifetime vocation, career, or primary role; special interests and hobbies.

- **22VAC40-73-440. Uniform assessment instrument (UAI).**

Public pay UAI that expires during the state of emergency may be extended to 90 days beyond the end of the state of emergency if the assessment is unable to be conducted. Facility must maintain documentation attempting to obtain this annual assessment.

- **22VAC40-73-450. Individual Service Plan**

Allowing leniency for the licensed resident's legal representative and/or family not signing Individual Service Plan.

- **22VAC40-73-490. Health care oversight**

Allowing leniency with regard to timeframes for the licensed health care professional providing oversight.

- **22VAC40-73-520. Activity and recreational requirements.**

Allow leniency with regard to the number of activities and various types of activities offered each week, especially related to any group activities.

- **22VAC40-73-530.C Freedom of Movement**

Allow leniency with regard to allowing freedom of movement for the residents to common areas; freedom of movement may be restricted due to health precautions.

- **22VAC40-73-540. Visiting in the facility.**

Allow leniency with regard to the facility's visitation policy and restrictions on visiting hours.

- **22VAC40-73-830. Resident councils.**

Allow leniency on standard requirements for resident councils in the facilities.

- **22VAC40-73-1080. Applicability.**  
Allow leniency for the facility to deny previous written agreements that allowed a spouse, parent, sibling, or child to reside in the special care unit.
- **Article 3: Safe, Secure Environment**  
**22VAC40-73-1120. Activities.**  
Allow leniency on the number of hours and amount of time for scheduled activities available to the residents each week.

#### 4. Nutrition and menu requirements

- **22VAC40-73-580. Food service and nutrition.**  
Allow for facilities to offer resident meals in their room, and allow leniency on requirements for written agreement. Waive requirement that qualified mental health professional must make the determination for residents to eat in their rooms. Allow leniency on health department inspections during the state of emergency.
- **22VAC40-73-610. Menus for meals and snacks.**  
Allow leniency for posting additions or deletions to menus.
- **22VAC40-73-620 A. Oversight of special diets.**  
Allow leniency in oversight requirements described in this regulation if the oversight was scheduled to occur during the pandemic.

#### 5. Physical plant requirements

- **22VAC40-73-760. Living room or multipurpose room.**  
Allow leniency for facilities to temporarily restrict space other than sleeping areas, rather than providing resident space for sitting, for visiting with one another or with guests, for social and recreational activities, and for dining.
- **22VAC40-73-940 A Fire Safety: Compliance with state regulations and local fire ordinances**  
Allow leniency in required fire inspections during the state of emergency.

#### 6. Licensing Operations, Conducting Inspections

##### General Procedures and Information for Licensure

- **22VAC 40-80-100. Duration of licensure**  
Consider allowing the terms of the license to be extended, modification of license must be done.
- **22VAC 40-80-120. Terms of the license.**  
Allow leniency on the terms of the license including expiration dates (allowing additional time for renewals), maximum number of residents to be in care and license modification requirements.
- **22VAC 40-80-190. Modification.**  
Allow leniency for license modifications.

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- **22VAC 40-80-210. Renewal process.**  
Allow additional time for submitting renewal applications.
- **22VAC40-80-260 and 22VAC40-80-270. Problem Solving Conferences**  
Allow **only** desk reviews with the assigned licensing representative's immediate supervisor. Extend the time for the supervisor to desk review findings to 30 days of receipt of request and materials. Extend license renewals by 90 days during the state of emergency.