

From: Licensing [mailto:DSS_LICENSING@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Williams, Edwina (VDSS)
Sent: Friday, October 20, 2017 3:27 PM
To: DSS_Licensing
Subject: Amended Background Check Regulation for ALFs and ADDCs

This file is being sent to assisted living facilities and adult day care centers from the Virginia Department of Social Services Email Distribution Service.

*****Please do not reply to this email.*****

Effective October 19, 2017

Dear Providers,

The Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers, 22 VAC 40-90, was amended to reflect revisions to the Code of Virginia.

The listing of barrier crimes for ALFs and ADCCs was moved from section § 63.2-1719 to § 19.2-392.02 of the Code and was expanded to include additional crimes. As a result of these changes, the definition of barrier crimes in 22 VAC 40-90-10 was amended to include the additional crimes, as well as change the reference to the Code of Virginia.

Regarding allowing ALFs and ADCCs to hire a person convicted on one misdemeanor barrier crime not involving abuse or neglect, if five years has elapsed following the conviction, § 63.2-1720 of the Code added that a person may also continue to be employed at such facilities or centers under the same conditions. As a result, the definition of barrier crimes was changed to allow for continuous employment under such circumstances.

Another revision in the definition section of the regulation was that the terminology referring to “an equivalent offense in another state” was amended to “any substantially similar offense under the laws of another jurisdiction.”

There were also technical changes made in the definition section, and in 22 VAC 40-90-70, the section on issuance of a license, as a result of the Code amendments.

The amended regulation may be found on the VDSS public website at: <http://www.dss.virginia.gov/about/licensing.cgi>. If you wish, you may order a hard copy from the department on the Publication Order Form available at the same website address.

As a reminder, you may also find on the website two versions of the barrier crimes list with detailed descriptors, one in alphabetical order and the other in numerical order.

Thank you for your attention to this email. Please contact your licensing inspector if you have any questions.