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To: licensinglistserv@virginiainteractive.org

Subject: Revisions to Standards for Licensed Children's Residential Facilities, 22VAC40-151, and General Procedures and Information for Licensure, 22VAC40-80

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To: Licensed Children's Residential Facilities

FROM: Lynne A. Williams, Director
Division of Licensing Programs

DATE: July 17, 2013

SUBJECT: Revisions to Standards for Licensed Children's Residential Facilities, 22VAC40-151, and General Procedures and Information for Licensure, 22VAC40-80

The Division of Licensing Programs' regulations, Standards for Licensed Children's Residential Facilities, 22VAC40-151, and General Procedures and Information for Licensure, 22VAC40-80, have been revised, effective July 17, 2013, to bring them into conformity with changes made to the Code of Virginia by the 2013 Session of the General Assembly. The actions on these regulations were exempt from the full Administrative Process Act regulatory process because the purpose of the revisions was strictly to conform to changes in state law and no agency discretion was involved.

The changes specify that (1) the Department of Social Services (DSS) shall make an investigation of an applicant for licensure's financial responsibility only upon receipt of the initial application; (2) financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference; (3) records that contain confidential proprietary information furnished to DSS pursuant to § 63.2-1702 of the Code of Virginia shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5; and (4) the commissioner of DSS shall issue an appropriate license to the applicant only if, among meeting other requirements, at the time of the initial application the applicant has submitted an operating budget and at least one letter of credit.

Specifically, for **Standards for Licensed Children's Residential Facilities**, 22VAC40-151, the changes:

- Delete 22VAC40-151-20. (The entire section was repealed).

- Delete the subsection 22VAC40-151-130 A and re-letter the remaining subsections in that section.

The revised Standards for Licensed Children’s Residential Facilities, 22VAC40-151, may be found on the DSS public website at <http://www.dss.virginia.gov/facility/crf.cgi> .

Specifically, for **General Procedures and Information for Licensure**, 22VAC40-80, the changes:

- Add to 22VAC40-80-20 C (Preplanning) a statement that on receipt of the initial application the department will investigate the financial responsibility of the applicant.
- Create in 22VAC40-80-160 (The Investigation) a new section A stating that upon receipt of a new application the commissioner shall (1) investigate the activities, services and facilities of the applicant and his character and reputation, (2) if the applicant is an association, partnership, limited liability company or corporation, investigate the character and reputation of its officers and agents, and (3) upon receipt of the initial application, investigate the applicant’s financial responsibility. The remainder of this standard has been re-lettered to reflect this addition.
- Add to 22VAC40-80-160 C (new D) language stating that records containing confidential proprietary information furnished to the department pursuant to this section shall be exempt from disclosure and that at the time of the initial inspection, the financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference.
- An exception in 22VAC40-80-160 C (new D) pertaining to inspection of financial records of child welfare agencies was deleted as the new language regarding inspection of financial records will also apply to child welfare agencies.

Please carefully review 22VAC40-80-20 and 22VAC40-80-160 so that you are knowledgeable of the updated provisions of the regulation. The updated General Procedures and Information for Licensure, 22VAC40-80, regulation also may be found on the DSS public website at <http://www.dss.virginia.gov/facility/crf.cgi> .

Additionally, in **Standards for Licensed Children’s Residential Facilities**, 22VAC40-151, edits were made to the interpretation boxes for the following standards:

- 22VAC40-151-250 A 7- Added Virginia Code requirements for staff to complete training in shaken baby syndrome.
- 22VAC40-151-250 A 8 and 22VAC40-151-750 B- Added the three medication administration programs approved by the Board of Nursing for CRF staff.
- 22VAC40-151-290 D and 22VAC40-151-280 B 3- Added interpretation clarifying the ‘combination of professional experience’ requirements for program director and chief administrative officer.

- 22VAC40-151-750 A- Added clarification for ‘properly labeled’ over-the-counter medications.
- 22VAC40-151-760 A- Added clarification and web link for US Dietary Guidelines.
- 22VAC40-151-990 I- Added clarification for ‘occupied by residents’.

New text in the interpretation boxes is underlined. Additionally, minor errors were corrected throughout the regulation that do not change any requirements. Please obtain a new copy of **Standards for Licensed Children’s Residential Facilities**, 22VAC40-151 found at <http://www.dss.virginia.gov/facility/crf.cqi> and discard all prior versions of this regulation. Copies can be purchased by completing the Publication Order Form found at: http://www.dss.virginia.gov/files/division/licensing/crf/intro_page/forms/all_other/032-05-0512-08-eng.pdf

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

Thank you.