

From: Williams, Edwina (VDSS) <edwina.williams@dss.virginia.gov>

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Subject: Statutory and Regulatory Requirements for Inspections, Staffing, and Access to Records - PROVIDER MEMO

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Edwina Williams

Program Support Technician / Intake Analyst

Virginia Department of Social Services

5600 Cox Road, Glen Allen, VA 23060

(804) 726-7165 www.dss.virginia.gov



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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: July 29, 2026

TO: Assisted Living Facilities
Adult Day Centers
Licensed Child-Placing Agencies
Children's Residential Facilities
Child Caring Institutions

FROM: Tara Ragland, Director
Division of Licensing Programs

RE: Statutory and Regulatory Requirements for Inspections, Staffing, and Access to Records.

The purpose of this memorandum is to reaffirm the statutory and regulatory requirements for all programs licensed by the Virginia Department of Social Services, Division of Licensing Programs, regarding inspections, staffing, and the Department's access to records.

Statutory Authority

Under § 63.2-1706 of the Code of Virginia, applicants and licensees must allow the Department reasonable opportunity to inspect their facilities, review all books and records, and interview staff, agents, and any individuals living in, receiving services from, or under the supervision of the facility.

Additionally, under § 63.2-1708 of the Code of Virginia, every licensed assisted living facility, licensed adult day center, or licensed child welfare agency must maintain required records and submit any reports requested by the Department.

Regulatory Requirement

The responsibilities of the licensee during inspections are detailed in 22VAC40-80-160, which requires facilities to allow the Department reasonable opportunity to inspect all buildings, books, and records of the facility or agency.

Further, 22VAC40-80-180 states that, to determine continued compliance with standards during the effective dates of the license, the Department will conduct inspections during the facility's hours of operation.

Compliance Expectations

Licensed programs must grant the Department immediate access to the premises at any time an inspection is initiated. This includes buildings, program areas, and grounds used by the agency or facility. Licensed providers must ensure that staff are present during posted office hours or operating hours so that the Department can enter the premises, conduct inspections, and obtain necessary information.

All books and records, including any policies, procedures, reports, files, and other required documentation, shall be organized, complete, and accessible to the Department upon request. Except under extraordinary circumstances, requested records or other required documents shall be made available for inspection without delay and within **one hour** of the Department's request.

Failure to provide the Department with immediate access to the premises, or timely access to required records, documents, staff, agents, or individuals living in, receiving services from, or under the supervision of the facility is noncompliant with § 63.2-1706 of the Code of Virginia, 22VAC40-80-160, and any applicable program specific regulations, and may result in a violation during the inspection process.

Technical Assistance

Technical assistance is a general term that encompasses the support from licensing staff to the public (including applicants, licensees, and others within the purview of DOLP), in understanding and navigating the licensure process. Technical assistance is provided with the intent to enhance or maintain current compliance with VDSS regulations and does not replace or substitute for issuance of a violation for non-compliance.

Conclusion

The Department recognizes your role in providing safe, high-quality services to adults, children, and families across the Commonwealth. Thank you for the important work you do and for your ongoing collaboration with the Department.