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Sent: Wednesday, September 23, 2026 1:17 PM

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Subject: ALF Final Action: Liability Insurance Regulation Replacement Pages and Form Available

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: August 24, 2026; updated September 23, 2026
TO: Assisted Living Facilities (ALF)
FROM: Tara Ragland, Director, Division of Licensing Programs
SUBJECT: Notice of Publication - ALF Final Action: Liability Insurance: Replacement pages available

UPDATE September 23, 2026:

The replacement pages available as supplements to 22VAC40-73, *Standards for Licensed Assisted Living Facilities*, which include changes resulting from the final action described below, will be available on the Virginia Department of Social Services website September 23, 2026. The pages can be found under the “Regulations & Code References” section of the assisted living facility [page](#). The replacement pages are titled “Replacement Pages ALF 45_50_390 eff 9.23.26.” The revised full regulation is also available in the same place. The Liability Insurance Statement form has been updated and can be found on the website under “Forms and Documents.”

Memo from August 24, 2026:

The Virginia Department of Social Services is providing notice of the [final action](#) to amend regulation 22VAC40-73, *Standards for Licensed Assisted Living Facilities*, to establish a minimum amount of liability insurance. **The regulation is effective on September 23, 2026.**

Chapter [580](#) of the 2023 General Acts of Assembly requires all ALF to maintain a minimum amount of liability insurance according to licensed capacity. This action amends section 45 of the ALF regulation to establish the minimum amount of liability insurance coverage required per occurrence, based on licensed capacity, and outlines the associated disclosure requirements to current and prospective residents. Sections 50 and 390 are amended to update requirements for disclosures and the resident agreement about the minimum amount of liability insurance required. The changes ensure that the ALF, residents and the public are fully informed of the minimum liability insurance requirements and the facility’s compliance with them. The only substantive

change in the final action from the emergency regulation is that liability insurance must be obtained on a per-occurrence basis within the required tier. The tier structure and insurance amounts remain the same as those in the emergency regulation.

The final changes in *Standards for Licensed Assisted Living Facilities* (22VAC40-73) will be published in the Virginia Register of Regulations (Volume 43, Issue 1) on August 24, 2026. The final regulation text can be found [here](#). Replacement pages will be posted on the [DSS website](#) closer to the effective date.

The public comment period begins on August 24, 2026, and ends on September 23, 2026. The regulation is effective on September 23, 2026.

Comments on the final regulation may be submitted via Regulatory Town Hall at <https://www.townhall.virginia.gov> or by mail, fax, or email to: Dani Halbleib; Licensing Consultant, Virginia Department of Social Services, Division of Licensing Programs, 5600 Cox Road, Glen Allen, Virginia 23060; fax (804)726-7132; email: daniella.halbleib@dss.virginia.gov.