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Subject: Notice of Publication-ALF Exempt Action: 2026 Legislative Changes

The attached file is being sent to assisted living facilities from the Virginia Department of Social Services Email Distribution Service.

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People Helping People

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: September 15, 2026
TO: Assisted Living Facilities
FROM: Tara Ragland, Director, Division of Licensing Programs
SUBJECT: Notice of Publication - Assisted Living Facilities Exempt Action: 2026 Legislative Changes

The Virginia Department of Social Services (VDSS) is providing notice of the [exempt action](#) to amend regulation 22VAC40-73, *Standards for Licensed Assisted Living Facilities* due to legislation passed during the 2026 General Assembly. **The regulation will become effective on November 4, 2026.**

[Chapter 323](#) the 2026 Acts of Assembly requires all assisted living facilities (ALF) to have and maintain an automated external defibrillator (AED).

This action amends 22VAC40-73-260 to add requirements related to AED devices and training requirements for staff. The amendments in this action add requirements in 22VAC40-73-210 and 22VAC40-73-990 to ensure staff are trained to use the device, and the ALF's emergency response plan is updated.

[Chapter 496](#) of the 2026 Acts of Assembly permits residents of ALF to have electronic monitoring devices placed in their rooms.

22VAC40-73-755 is added to the ALF regulation to add requirements from the legislation for the placement, utilization, and associated costs of any such electronic monitoring device in a resident's room. Amendments to 22VAC40-73-390 ensure that the required policies and procedures regarding electronic monitoring are outlined for residents or their legal representatives in the resident agreement.

The final changes in *Standards for Licensed Assisted Living Facilities* (22VAC40-73) will be published in the Virginia Register of Regulations (Volume 43, Issue 4) on October 5, 2026. The

final regulation text can be found [here](#). Replacement pages will be posted on the [DSS website](#) closer to the effective date.

A virtual training about the new regulations for ALF providers and stakeholders will be held on October 2, 2026, at 11:00am. Registration can be found [here](#). Due to bandwidth limits, no more than two individuals per ALF or stakeholder group may register. The training will be recorded and a link to the recording will be posted to the VDSS ALF webpage after the training.

Please send any questions regarding the new regulations to your assigned licensing inspector.