



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**DATE:** October 17, 2019

**TO:** All Licensed Children's Programs  
Assisted Living Facilities  
Adult Day Care Centers

**FROM:** Tara Ragland, Director  
Division of Licensing Programs

**SUBJECT:** Revisions to *General Procedures and Information for Licensure*

The regulation, 22VAC40-80 *General Procedures and Information for Licensure*, has been revised to correspond with changes made to the Code of Virginia (Code) by the 2019 Session of the General Assembly. The amended regulation was published as a final regulation in the Virginia Register of Regulations on September 16, 2019 (Volume 36, Issue 2). The effective date of the amended regulation is October 17, 2019. This action was exempt from the full Administrative Process Act regulatory process because the purpose of the revision was only to incorporate changes in state law.

A copy of the regulation and replacement pages can be found on under the Regulations and Code References section of each licensed program webpage on the Virginia Department of Social Services website. Hard copies of the regulation can be ordered at [https://www.dss.virginia.gov/files/division/licensing/crf/intro\\_page/forms/all\\_other/032-05-0512-14-eng.pdf](https://www.dss.virginia.gov/files/division/licensing/crf/intro_page/forms/all_other/032-05-0512-14-eng.pdf). Please replace the old pages with the new and discard prior versions.

Changes to the regulation are listed below.

### **22VAC40-80-60. General.**

- Operating with a suspended license has been added to the list of actions that fall under a Class 1 misdemeanor

### **22VAC40-80-120. Terms of the license.**

- The revision clarifies that assisted living facilities, child welfare agencies, assisted living facilities operated by an agency of the Commonwealth, and child welfare

agencies operated by an agency of the Commonwealth must post a copy of any final order of summary suspension.

- Subsection E 5 was updated to include B 7 of § 63.2-1709.2 of the Code.

**22VAC40-80-340. Administrative sanctions.**

- The word “imminent” has been replaced with the word “immediate”.
- The phrase “summary order of suspension” has been replaced with “notice of summary suspension”.
- Proceedings for issuing a notice of summary suspension for assisted living facilities operated by the Commonwealth are found in § 63.2- 1710.1 of the Code.
- The revision added proceedings for issuing a notice of summary suspension for child welfare agencies; found in § 63.2-1709.1 C of the Code, and proceedings for child welfare agencies operated by an agency of the Commonwealth; found in § 63.2-1710.1 of the Code.

**22VAC40-80-345. Summary suspension procedures.**

- The word “imminent” has been replaced with the word “immediate”.
- Section 63.2-1709.1 C of the Code was added to subsection B.
- Hearings shall take place in the locality where the child welfare agency operates.
- The revision clarifies that the commissioner has 10 business days after the receipt of the hearing officer’s findings, conclusions, and recommendations to issue an order of summary suspension or order that summary suspension is not warranted.
- The revision clarifies that the commissioner may suspend the license of an assisted living facility or child welfare agency or suspend only certain authority to provide certain services or perform certain functions in order to protect the health, safety, and welfare of individuals receiving care.
- The commissioner shall adopt the hearing officer’s recommended decision unless it is an error of law or department policy. If the commissioner rejects a hearing officer’s findings, conclusions, or recommended decision, he must state the basis for rejection.
- A copy of the final order of summary suspension shall be prominently displayed at each public entrance of the facility.

**22VAC40-80-370. Appeal process.**

- Sanctions imposed by means of a special order can be found in § 63.2-1709.2 of the Code.
- The appeal process for an assisted living facility or child welfare agency not operated by an agency of the Commonwealth has been added.

**22VAC40-80-375. Failure to pay civil penalty.**

- Penalties are set forth in § 63.2- 1709.2 of the Code.

Please contact your licensing inspector if you have any questions.