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Sent: Thursday, October 5, 2023 5:11 PM
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Subject: Notice of Regulatory Action Change for 22VAC40-73, Standards for Licensed Assisted Living Facilities

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: October 5, 2023

TO: Licensed Assisted Living Facilities

FROM: Tara Ragland, Director
Division of Licensing Programs

SUBJECT: Notice of Regulatory Action Change for 22VAC40-73, *Standards for Licensed Assisted Living Facilities*

The purpose of this memo is to inform you of the regulatory action change to the fast-track action amending 22VAC40-73, *Standards for Licensed Assisted Living Facilities*, to add requirements that address the emergency and involuntary discharges of residents in assisted living facilities and the resident's right to appeal. This fast-track action to incorporate Chapter [706](#) of the 2022 Acts of the General Assembly was published in the Virginia Register of Regulations ([Volume 40, Issue 1](#)) on August 28, 2023, and was open to public comment until September 27, 2023.

As a result of receiving an excess of 10 objection comments during the public comment period, Virginia Department of Social Services (VDSS) is required to proceed using the standard three-stage regulatory process in accordance with Virginia Code [§ 2.2-4012.1](#). This action is now in the proposed stage and **will not become effective 11/27/23**. The right for residents to appeal emergency and involuntary discharges **will not** be available until the final regulation becomes effective following the completion of the regulatory process.

VDSS appreciates all who reviewed this action and provided public comment. All comments received will be considered during the development of the proposed regulation. VDSS will provide further updates upon the approval of a proposed regulation and announcement of the public comment period.

Progress of this action can be monitored on the Virginia Regulatory Town Hall website [here](#). Information regarding Virginia's Regulatory process can be found [here](#). Please contact your licensing inspector if you have any additional questions.

Thank you for your continued care and support of our most vulnerable citizens.