

**From:** Williams, Edwina (VDSS)  
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**To:** 'licensinglistserv@virginiainteractive.org'  
**Subject:** Revisions to Standards for Licensed Assisted Living Facilities and General Procedures and Information for Licensure

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To: Licensed Assisted Living Facilities

FROM: Lynne A. Williams, Director  
Division of Licensing Programs

SUBJECT: Revisions to Standards for Licensed Assisted Living Facilities and General Procedures and Information for Licensure

The Division of Licensing Programs' regulations, "Standards for Licensed Assisted Living Facilities" and "General Procedures and Information for Licensure" have been revised, effective July 17, 2013, to bring them into conformity with changes made to the Code of Virginia by the 2013 Session of the General Assembly. The actions on these regulations were exempt from the full Administrative Process Act regulatory process because the purpose of the revisions was strictly to conform to changes in state law and no agency discretion was involved.

The changes specify that (1) the Department of Social Services (DSS) shall make an investigation of an applicant for licensure's financial responsibility only upon receipt of the initial application; (2) financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference; (3) records that contain confidential proprietary information furnished to DSS pursuant to § 63.2-1702 of the Code of Virginia shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5; and (4) the commissioner of DSS shall issue an appropriate license to the applicant only if, among meeting other requirements, at the time of the initial application the applicant has submitted an operating budget and at least one letter of credit.

Specifically, for **Standards for Licensed Assisted Living Facilities** the changes:

- Deleted the subdivision 22VAC40-72-50 B. 1. (The licensee shall give evidence of financial responsibility.) and the subdivision 22VAC40-72-50 B. 6. (The licensee shall develop and maintain an operating budget, including resident care, dietary, and physical plant maintenance allocations and expenditures. The budget shall be sufficient to ensure adequate funds in all aspects of operation.). The remaining subdivisions in that subsection were renumbered.

The revised Standards and Regulations for Licensed Assisted Living Facilities may be found on the DSS public website at <http://www.dss.virginia.gov/facility/alf.cgi>. A replacement page with the changes is also on the same website so that those of you who have a hard copy of the standards can update them with the latest revisions.

Specifically, for **General Procedures and Information for Licensure**, the changes:

- Add to 22 VAC 40-80-20 C (Preplanning) a statement that on receipt of the initial application the department will investigate the financial responsibility of the applicant.
- Create in 22 VAC 40-80-160 (The Investigation) a new section A stating that upon receipt of a new application the commissioner shall (1) investigate the activities, services and facilities of the applicant and his character and reputation, (2) if the applicant is an association, partnership, limited liability company or corporation, investigate the character and reputation of its officers and agents, and (3) upon receipt of the initial application, investigate the applicant's financial responsibility. The remainder of this standard has been re-lettered to reflect this addition.
- Add to 22 VAC 40-80-160 C (new D) language stating that records containing confidential proprietary information furnished to the department pursuant to this section shall be exempt from disclosure and that at the time of the initial inspection, the financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference.
- An exception in 22 VAC 40-80-160 C (new D) pertaining to inspection of financial records of child welfare agencies was deleted as the new language regarding inspection of financial records will also apply to child welfare agencies.

The updated General Procedures and Information for Licensure regulation also may be found on the DSS public website at <http://www.dss.virginia.gov/facility/alf.cgi>. Please carefully review 22 VAC 40-80-20 and 22 VAC 40-80-160 so that you are knowledgeable of the updated provisions of the regulation.

If you have any questions, please contact your licensing inspector.

Thank you.