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Subject: Revisions to Chapter 80. General Procedures and Information for Licensure

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: October 11, 2023

TO: Assisted Living Facilities
Adult Day Care Centers
Children's Residential Facilities
Licensed Child-Placing Agencies
Child Caring Institutions

FROM: Tara Ragland, Director
Division of Licensing Programs

SUBJECT: Revisions to Chapter 80. *General Procedures and Information for Licensure*

The regulation, 22VAC40-80. *General Procedures and Information for Licensure*, has been revised to incorporate Chapter [695](#) of the 2023 Acts of the General Assembly that increased the maximum time an applicant may operate an assisted living facility, adult day care center, or child welfare agency under a provisional license issued by the Commissioner of Social Services from six successive months to 12 successive months. The amended regulation was published as a final regulation in the Virginia Register of Regulations on September 11, 2023. The effective date of the amended regulation is October 11, 2023. This action was exempt from the full Administrative Process Act regulatory process because the purpose of the revision was to incorporate the changes in state law. **There are no new requirements in the amendments.**

The replacement page is attached. A copy of the regulation and replacement page can be found under the Regulations & Code References on the program page on the Virginia Department of Social Services [website](#). Please contact your licensing inspector if you have any questions.

22VAC40-80-110. Provisional license.

When a regular license expires and the applicant is temporarily unable to comply with the requirements of the regulations, the department may issue a provisional license for any period not to exceed 12 months. A provisional license shall not be issued to a facility or agency immediately following a conditional license. At the conclusion of the provisional licensure period, the facility or agency must be in substantial compliance with licensing standards or be denied a license to continue operation.

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

A. A facility or agency shall operate within the terms of its license, which are:

1. The operating name of the facility or agency;
2. The name of the individual, partnership, association, corporation, limited liability company, or public entity sponsoring the facility or agency;
3. The physical location of the facility or agency;
4. The maximum number of children or adults who may be in care at any time;
5. The period of time for which the license is effective;
6. For child welfare agencies, the age range of children for whom care may be provided; and
7. Any other limitations that the department may prescribe within the context of the regulations for any facility or agency.

B. The provisional license cites the standards with which the licensee is not in compliance.

C. The conditional license cites the standards with which the licensee must demonstrate compliance when operation begins, and also any standards with which the licensee is not in compliance.

D. Prior to changes in operation that would affect the terms of the license, the licensee shall secure a modification to the terms of the license from the department. (See 22VAC40-80-190.)

E. Certain documents related to the terms of the license are required to be posted on the premises of each facility. These are:

1. The most recently issued license. Any provisional license shall be posted at each public entrance of the facility and a notice shall be prominently displayed next to the license that states that a description of specific violations of licensing standards to be corrected and the