

# VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

## CHAPTER 182

*An Act to amend and reenact §§ 63.2-1702 and 63.2-1707 of the Code of Virginia, relating to licensure by the Commissioner of Social Services; submission of financial information.*

[H 1443]

Approved March 12, 2013

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 63.2-1702 and 63.2-1707 of the Code of Virginia are amended and reenacted as follows:**

**§ 63.2-1702. Investigation on receipt of application.**

Upon receipt of the application the Commissioner shall cause an investigation to be made of the activities, services, and facilities of the applicant, ~~of the applicant's financial responsibility,~~ and of his character and reputation or, if the applicant is an association, partnership, limited liability company, or corporation, the character and reputation of its officers and agents, *and upon receipt of the initial application, an investigation of the applicant's financial responsibility. In the case of child welfare agencies, the* The financial records of an applicant shall not be subject to inspection if the applicant submits a ~~current balance sheet and income statement accompanied by a letter from a certified public accountant certifying the accuracy thereof and three credit references~~ *an operating budget and at least one credit reference.* In the case of child welfare agencies and assisted living facilities, the character and reputation investigation upon application shall include background checks pursuant to § 63.2-1721; however, a children's residential facility shall comply with the background check requirements contained in § 63.2-1726. *Records that contain confidential proprietary information furnished to the Department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5.*

**§ 63.2-1707. Issuance or refusal of license; notification; provisional and conditional licenses.**

Upon completion of his investigation, the Commissioner shall issue an appropriate license to the applicant if (i) the applicant has made adequate provision for such activities, services, and facilities as are reasonably conducive to the welfare of the residents, participants, or children over whom he may have custody or control; (ii) *at the time of initial application,* the applicant has submitted ~~satisfactory documentation of financial responsibility such as, but not limited to,~~ *a an operating budget and at least one* letter of credit; a ~~certified financial statement, or similar documents;~~ (iii) he is, or the officers and agents of the applicant if it is an association, partnership, limited liability company, or corporation are, of good character and reputation; and (iv) the applicant and agents comply with the provisions of this subtitle. Otherwise, the license shall be denied. Immediately upon taking final action, the Commissioner shall notify the applicant of such action.

Upon completion of the investigation for the renewal of a license, the Commissioner may issue a provisional license to any applicant if the applicant is temporarily unable to comply with all of the licensure requirements. The provisional license may be renewed, but the issuance of a provisional license and any renewals thereof shall be for no longer a period than six successive months. A copy of the provisional license shall be prominently displayed by the provider at each public entrance of the subject facility and shall be printed in a clear and legible size and style. In addition, the facility shall be required to prominently display next to the posted provisional license a notice that a description of specific violations of licensing standards to be corrected and the deadline for completion of such corrections is available for inspection at the facility and on the facility's website, if applicable.

At the discretion of the Commissioner, a conditional license may be issued to an applicant to operate a new facility in order to permit the applicant to demonstrate compliance with licensure requirements. Such conditional license may be renewed, but the issuance of a conditional license and any renewals thereof shall be for no longer a period than six successive months.

**2. That an emergency exists and this act is in force from its passage.**