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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department for the Blind and Vision Impaired
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC 45-110
VAC Chapter title(s)	Regulations Governing Low Vision
Date this document prepared	November 21, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

DBVI, Agency, Department – Department for the Blind and Vision Impaired

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

DBVI, Agency, Department – Department for the Blind and Vision Impaired Code of Virginia § 51.5-65 Functions, duties and powers of Commissioner. In addition to the functions, duties, and powers conferred

and imposed upon the Commissioner by other provisions of law, he shall ensure that the provisions of this chapter are properly administered and adopt regulations to carry out the applicable provisions of this chapter.

Code of Virginia §§ 2.2-4017 (Periodic review of regulations), 2.2-4007 (Notice of intended regulatory action; public hearing), and Executive Order 17 (2004) in combination require that every state regulation must be reviewed every four years to ensure the regulation is supported by statutory authority, determine that the regulation is necessary for the protection of public health, safety and welfare and are clearly written and easily understandable, and to make sure the regulations economic impact on small business is minimized as much as possible.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no other viable options for achieving the purpose of the regulation because the Department is the state agency primarily responsible for providing unique and highly specialized low vision services to eligible individuals who have low vision.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment received

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

22 VAC45-110 protects the public health, safety, and welfare of Virginia’s residents who have low vision, specifically those eligible individuals who seek to use their residual vision in order to live and work safely and independently in the community.

The regulation is clear and concise and defines words used in the chapter, low vision services referral, eligibility for low vision services, requirement for pre-examination, and qualified individuals potential financial participation in cost of services.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

Retain as is.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The agency has not received any complaints or comments concerning the regulation. The regulation is required in order to ensure the delivery of specialized services for eligible individuals who are deafblind.

The regulation is not complex; it is easy to read and understand. DBVI was last reviewed this regulation on or around 1999 or 2000 and it does not conflict with other state or federal regulation. There are no substantial changes in technology, economic conditions, or other factors that impact the importance of implementation of the regulation.

Economic impact on small business generally is negligible because the regulation pertains specifically to the provision of specialized services to individuals who are deafblind. Additionally, members of the small business community have opportunity to make public comment during periodic review and annually as part of DBVI's conduct of public meetings.