



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Health
Virginia Administrative Code (VAC) citation	12 VAC 5-218
Regulation title	Rules and Regulations Governing Outpatient Data Reporting
Document preparation date	February 20, 2008

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

1. Statutory authority for the regulation is found in *Code of Virginia* §§ 32.1-276.3, 32.1-276.6, 32.1-276.8 and 32.1-276.9
2. The State Board of Health has mandatory authority to administer the health care data reporting initiatives established by this section of the code.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No viable alternatives have been considered as part of this periodic review process. This regulation specifies the requirements for the reporting of certain outpatient surgical data and has been effective in providing a more comprehensive data set for analysis and health care reporting.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Mela, S.	This comment was concerning DMHMRSAS and not related to this Regulation. Mr. Mela's comment was sent to DMHMRSAS.	None

An informal advisory group was not formed because there were no requests for revisions to this regulation. The one comment received was not relevant to the regulation and no agency response was warranted.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation clearly specifies the reporting requirements for outpatient data reporting. Many surgical procedures are now performed in a doctor's office, ambulatory surgery center or in hospital outpatient departments. The analysis of the data on certain surgeries based on volume, cost and risk to the patient provides information for consumers and helps to improve the quality of health care in the Commonwealth.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Health is recommending that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

With the increasing trend in outpatient care, outpatient surgical information helps provide a more comprehensive view of health care and the cost of health in the Commonwealth. This outpatient information can help consumers make more informed health care purchasing decisions.