

1 **18VAC80-10-10. Definitions.**

2 The following words and terms, when used in this chapter, shall have the following
3 meanings unless the context clearly indicates otherwise:

4 "Administrative Process Act" means Chapter 40 (§2.2-4000 et seq.) of Title 2.2 of the
5 Code of Virginia.

6 "Agency" means ~~any authority, instrumentality, officer, board, or other unit of state~~
7 ~~government empowered by the basic laws to make regulations or decide cases~~ the Board
8 for Hearing Aid Specialists.

9 "Notification lists" means lists used by the board to notify persons pursuant to this
10 chapter. Such lists may include electronic mailing lists or regular mailing lists
11 maintained by the board.

12 "Organization" means any one or more ~~associations~~ association, advisory council,
13 committee, corporation, partnership, governmental body or legal entity.

14 "Person" means one or more individuals.

15 **18VAC80-10-20. ~~Mailing list~~ Notification lists.**

16 The agency will maintain ~~a list~~ lists of persons and organizations who will be mailed the
17 following documents, or notification of how to obtain a copy of the documents
18 electronically, as they become available:

- 19 1. "Notice of Intended Regulatory Action" to promulgate, amend or repeal regulations.
- 20 2. "Notice of Comment Period" and public hearings.
- 21 3. Notice that the final regulations have been adopted.

22 Failure of ~~these persons and organizations~~ a person or organization to receive the
23 documents for any reason shall not affect the validity of any regulations otherwise
24 properly adopted under the Administrative Process Act, ~~§9-6.14:1~~ (§2.2-4000 et seq. of
25 the Code of Virginia).

26 **18VAC80-10-30. Placement on the ~~mailing~~ notification list; deletion.**

27 Any person or organization wishing to be placed on the mailing list may do so by
28 electronic notification or by writing the agency. In addition, the agency, at its discretion,
29 may add to the list any person, organization, or publication it believes will serve the
30 purpose of responsible participation in the formation or promulgation of regulations.
31 ~~Persons~~ Each person and organization on the list will be provided all information stated

1 in 18VAC80-10-20. ~~Individuals and organizations~~ A person or organization periodically
2 may be requested to indicate their desire to continue to receive documents or be deleted
3 from the list. When mail is returned as undeliverable, ~~individuals and organizations~~ the
4 person or organization will be deleted from the list. When electronic notifications are
5 returned as undeliverable over more than one day, the person or organization may be
6 deleted from the list.

7 **18VAC80-10-40. Petition for rulemaking.**

8 Any person or organization may petition the agency to ~~adopt~~ consider or ~~amend~~ review
9 any regulation. Any petition received shall appear on the next agenda of the agency. The
10 agency shall consider and respond to the petition ~~within 180 days~~ pursuant to §2.2-4007
11 A of the Code of Virginia. The agency shall have sole authority to dispose of the petition.

12 **18VAC80-10-50. Notice of intent.**

13 At least 30 days prior to filing the "Notice of Comment Period" and proposed regulations
14 as required by ~~§9-6.14:7.1~~ 2.2-4007 of the Code of Virginia, the agency will publish a
15 "Notice of Intended Regulatory Action." This notice will provide for at least a 30-day
16 comment period and shall state whether the agency intends to hold a public hearing. The
17 agency is required to hold a hearing on the proposed regulation upon request by (i) the
18 Governor or (ii) 25 or more persons. Further, the notice shall describe the subject matter
19 and intent of the planned regulation. Such notice shall be transmitted to the Registrar of
20 Regulations for inclusion in The Virginia Register of Regulations.

21 **18VAC80-10-60. Informational proceedings or public hearings for existing rules.**

22 Within two years of the promulgation of a regulation, the agency shall evaluate it for
23 effectiveness and continued need. The agency shall conduct an informal proceeding,
24 which may take the form of a public hearing, to receive public comment on existing
25 regulation. Notice of such proceedings shall be transmitted to the Registrar of
26 Regulations for inclusion in The Virginia Register of Regulations. Such proceedings may
27 be held separately or in conjunction with other informational proceedings.

28 **18VAC80-10-70. Notice of formulation and adoption.**

29 At any meeting of the agency or a subcommittee where it is anticipated the formation or
30 adoption of regulation will occur, the subject matter shall be transmitted to the Registrar
31 of Regulations for inclusion in The Virginia Register of Regulations.

32 If ~~there are~~ one or more changes ~~with~~ have substantial impact on a regulation, then any
33 person may petition the agency within 30 days from the publication of the final regulation
34 to request an opportunity for oral or written submittals on the changes to the regulations.
35 If the agency receives requests from at least 25 persons for an opportunity to make oral or
36 written comment, then the agency shall suspend the regulatory process for 30 days to

1 solicit additional public comment, unless the agency determines that the changes made
2 are minor or inconsequential in their impact.

3 If the Governor finds that one or more changes with substantial impact have been made
4 to proposed regulation, then he may suspend the regulatory process for 30 days to require
5 the agency to solicit further public comment on the changes to the regulation.

6 A draft of the agency's summary description of public comment shall be sent by the
7 agency to all public commenters on the proposed regulation at least five days before final
8 adoption of the regulation.

9 **18VAC80-10-80. Advisory committees.**

10 The agency intends to appoint advisory committees as it deems necessary to provide
11 adequate participation in the formation, promulgation, adoption, and review of
12 regulations. Such committees are particularly appropriate when other interested parties
13 may possess specific expertise in the area of proposed regulation. The advisory
14 committee shall only provide recommendations to the agency and shall not participate in
15 any final decision making actions on a regulation.

16 When identifying potential advisory committee members the agency may use the
17 following:

- 18 1. Directories of organizations related to the profession;:
- 19 2. Industry, professional and trade associations' mailing lists;: ~~and~~ or
- 20 3. Lists of persons who have previously participated in public proceedings concerning
21 this or a related issue.

22 **18VAC80-10-90. Applicability.**

23 18VAC80-10-20, 18VAC80-10-30, 18VAC80-10-40, 18VAC80-10-60 and 18VAC80-
24 10-70 shall apply to all regulations promulgated and adopted in accordance with §~~9-~~
25 ~~6.14:9~~ 2.2-4012 of the Code of Virginia except those regulations promulgated in
26 accordance with §~~9-6.14:4.1~~ 2.2-4002, 2.2-4006, 2.2-4011, 2.2-4012.1, 2.2-4018, or 2.2-
27 4025 of the Administrative Process Act.

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I certify that this regulation is full, true, and correctly dated.

Karen W. O'Neal
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