



Virginia
Regulatory
Town Hall

Proposed Regulation
Agency Background Document

Agency Name:	Department for the Blind and Vision Impaired
VAC Chapter Number:	110
Regulation Title:	Regulations Governing Low Vision
Action Title:	Amend for Clarity & Update
Date:	December 12, 2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The proposed action will delete the obsolete section that deals with using the Department's endowment funds as sponsorship for Low Vision services and requires consumer financial participation in the cost of low vision aids. The section dealing with driving with bioptics has been deleted. Also, language changes have been made to update and simplify terminology.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Code of Virginia, [Sections 63.1-85\(7\)](#) mandates the Commissioner to promulgate regulations to carry out the provisions of this title. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed changes and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

A review of the financial participation criteria determined that portions of this regulation were no longer necessary to protect the health, safety, or welfare of citizens or for the efficient and economical performance of an important governmental function. Programs within the Department are now funded to provide this service.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The Department's endowment funds are no longer used to purchase low vision optical aids and the section specifying that those funds will be used must be amended to reflect this change.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of

interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

There are no disadvantages to the public or the Commonwealth with the change in terminology or the elimination of endowment funds for this service.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

There is no fiscal impact with amending this regulation.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

Under Section 10, Definitions, Bioptics has been removed as it is only one of many low vision aids. Specifying all low vision aids becomes cumbersome and would require frequent revisions to the regulations as aids are added and deleted. Section 60, Driving with bioptics, has also been deleted for the same reason previously mentioned. Reference to "SSI" (Supplemental Security Income) has been deleted as it is not used by this program. Reference to case record in Section 20, Low Vision services referral has been deleted. Case records are maintained by the programs that refer a consumer for Low Vision services. Under Section 30, Eligibility, language added that eligibility for Low Vision services is determined by other department programs. Under Section 50, Financial participation, all references to endowment funds have been deleted. Endowment funds are no longer used for the purchase of low vision aids. The referring programs utilize program funding for same.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

No alternative was offered or considered for this regulation during the public comment period.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No public comment was received during the public comment period.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation is written for simplicity and clarity. Changes to language have been recommended to give terminology greater clarity.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

If this regulation is amended as recommended, the regulation will be reviewed within three years of amendment.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Amending this regulation will have no impact on the institution of the family and family stability.