



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Service
Virginia Administrative Code (VAC) citation	22 VAC 40-780
Regulation title	Elimination of Financial Eligibility for Direct Social Services
Document preparation date	June 20, 2007

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.

The state authority for this regulation, promulgated by the State Board of Social Services, is §§ 63.2-217, 63.2-602 and 63.2-614 of the *Code of Virginia*.

The Office of the Attorney General has certified that the State Board of Social Services has the authority to promulgate this regulation and that the existing regulation does not exceed the Board's statutory authority.

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 other alternative for achieving the purpose of the existing regulation has been considered. The regulation is not burdensome in that it simply defines eligibility determination and local departments of social services' authority to provide services.

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.

No comment was received during the public comment period. This is not a burdensome or controversial regulation so no advisory group was formed to assist in the review.

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.

This regulation is necessary for the protection of public health, safety and welfare in that it provides guidance on the ways eligibility for different services are determined. In doing this, it clarifies that certain direct services are provided by local departments of social services without regard to income. The regulation is clearly written and easily understandable.

Result

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

This regulation should remain in effect without change.

Family impact

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

This regulation supports the institution of family and family stability by clarifying which services require income eligibility determinations and which do not.