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## Exempt Action: Final Regulation Agency Background Document

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| <b>Agency name</b>  | Virginia Workers' Compensation Commission   |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 16VAC30-70  |
| <b>VAC Chapter title(s)</b>                                   | Title 16. Labor And Employment<br>Chapter 70. Plan of Operation for the Medical Costs Peer Review<br>Statewide Coordinating Committee under the Virginia Workers'<br>Compensation Act |
| <b>Action title</b>   | Repeal of 16VAC30-70  |
| <b>Final agency action date</b>                               | November 19, 2021   |
| <b>Date this document prepared</b>                            | November 19, 2021   |

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

§ 2.2-4006. (Effective until October 1, 2021) Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § [2.2-4103](#) of the Virginia Register Act shall be exempted from the operation of this article:

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

15. Regulations of the Workers' Compensation Commission adopted pursuant to § [65.2-605](#), including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § [65.2-605](#) to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

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This regulatory action would repeal one chapter under Title 16. Labor And Employment.

- 16VAC30-70. Plan of Operation for the Medical Costs Peer Review Statewide Coordinating Committee under the Virginia Workers' Compensation Act.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The previous Peer Review statutes of the Workers' Compensation Act, *Code of Virginia* §§ 65.2-1300 through 65.2-1310, which authorized this regulation, were repealed by the 2016 General Assembly (Acts 2016, cc. 279 and 290, cl.3) effective March 7, 2016.

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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The Virginia Workers' Compensation Commission voted to repeal this regulatory chapter at the June 14, 2016 meeting of the Commission.