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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC5-191
VAC Chapter title(s)	State Plan for the Children with Special Health Care Needs Program
Date this document prepared	August 3, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

VDH – Virginia Department of Health

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The State Board of Health is authorized to make, adopt, promulgate and enforce regulations by Section 32.1-12 of the Code of Virginia.

Section 32.1 – 77 authorizes the Board of Health to prepare, amend and submit to the U.S. Secretary of Health and Human Services state plans for maternal and child health services and children’s specialty services pursuant to Title V of the United States Social Security Act.

Section 32.1 – 77 authorizes the State Health Commissioner to administer the plan and to receive and expend funds for the administration of the plan in accordance with applicable federal and state laws and regulations.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation is administered in the least burdensome method.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received during the public comment period following publication of the periodic review.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulations meet the criteria set out in Executive Order 19 (2022) as they are necessary for the protection of public health, safety and welfare of infants born in the Commonwealth of Virginia and their families. The regulations are clearly written and understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

VDH is recommending the regulation be retained as is without change. The regulation, in its current form, allows for the ongoing provision of services for children with special health care needs.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation, as it is essential to outline program services for children with special health care needs. Program services are provided through available appropriations under federal Title V funds to eligible Virginia residents.

No public comments were received.

The regulation is clearly written and easily understandable.

The regulation does not overlap, duplicate or conflict with any known federal or state law or regulation.

Regulations are evaluated on an ongoing basis, and this regulation was last amended in May 2021. The regulation was amended in response to a 2020 General Assembly legislative mandate to promulgate a new regulation to implement an adult comprehensive sickle cell clinic network. Retaining the regulation in its current form does not appear to cause an adverse economic impact on small businesses in the Commonwealth of Virginia.
