



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Corrections
Virginia Administrative Code (VAC) citation	6 VAC15-20-10 et seq.
Regulation title	Regulations Governing Certification and Inspection
Action title	Changes current certification process in state, local and community correctional facilities and programs. Update terminology; redirect authority to set and adjust audit schedules and compliance decisions; standardize submission of variance requests
Document preparation date	7/15/05

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The current regulations have been in place in their current form since July 1, 1997. Since that time the Board and the Department of Corrections have determined that revisions of the regulations, through the Administrative Process Act, may be necessary to accommodate new recommendations and to ensure further the health and safety standards of correctional facilities and services in state, local and community correctional facilities.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Office of the Attorney General has confirmed that the Regulations Governing Certification and Inspection (6 VAC 15-20-10 et seq.) is statutorily authorized under Section 53.1-5 of the Code of Virginia. The first provision of this statute requires the Board to develop and establish program and fiscal standards and goals governing the operation of state, local and community correctional facilities and community correctional services. The fourth provision of this section requires the Board to monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board. The Regulations Governing Certification and Inspection serve to enforce all facility and program standards promulgated by the Board.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The Board of Corrections proposes to review and revise, where necessary, the language in the standards to reflect changes to the pre- and post- audit process in state, local and community correctional facilities. Amendments in current organization structure and terminology, as well as in the administration of appeals and variances granted by the Board, require possible revision.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

The recommendations for changes to these regulations are revisions that will require amendments promulgated through the Administrative Process Act (APA). No alternative exists that will effectively strengthen the certification and inspection process. The amendments, when drafted, will regulate only those necessary areas addressed in the Code of Virginia.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The recommendations of the proposed regulatory action will amend internal procedures that should have no impact on the authority and rights of parents, economic self-sufficiency, marital commitment or family income.