



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12VAC5-381-20
<b>Regulation title</b>	Regulations for the Licensure of Home Care organizations
<b>Action title</b>	To amend section 20 pertaining to licensure of a home care organization.
<b>Final agency action date</b>	November 7, 2012
<b>Document preparation date</b>	November 5, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Office of the Inspector General (OIG) of the U.S Department of Health and Human Services actively enforces 42 U.S.C. § 1320-7b which holds persons violating the laws and regulations of the Social Security Act (specifically Title 18 and 19) accountable and prohibits them from participating in Medicare and Medicaid. Enactment of HB220 (2012) extended that prohibition to any persons seeking licensure, or who are licensed, who have been sanctioned pursuant to 42 U.S.C. § 1320a-7b. Therefore, an amendment is being made to 12VAC5-381.

### Statement of final agency action

*Please 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.*

Pursuant to 32.1-20 of the Code of Virginia, the State Health Commissioner approved this action on behalf of the Board of Health when the Board was not in session.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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There is not direct impact on the family.