



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Virginia Department of Rehabilitative Services
VAC Chapter Number:	22 VAC 30-50
Regulation Title:	Policies & Procedures for Administering Commonwealth Neurotrauma Initiative Trust Fund
Action Title:	Amendment to Existing Regulations
Date:	December 17, 2002

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 2.2-4000 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 2.2-4100 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 2.2-4006 do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 2.2-4006** at the final stage. Note that agency actions exempt pursuant to § 2.2-4006 of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

In 2002 , the General Assembly enacted legislation to amend and reenact Section 46.2-411 of the *Code of Virginia*, to amend the *Code of Virginia* by adding in Title 51.5 a chapter numbered 3.1 and to repeal Article 12 (Section 32.173.1 *et. seq.*) of Chapter 2 of Title 32.1 relating to the

Commonwealth Neurotrauma Initiative (CNI). The changes in the Code designated the Department of Rehabilitative Services as the agency that will administer the CNI, and established a provision authorizing no more than five percent of the trust fund annually to cover the costs of staffing the CNI Advisory Board and reviewing and monitoring grants. The changes also authorized the Commissioner of the Department of Rehabilitative Services to promulgate regulations for the administration of the CNI Fund.

On February 14, 2001, regulations entitled "Policies & Procedures for the Administering Commonwealth Neurotrauma Initiative Trust Fund", adopted by the State Board of Health to implement the CNI Trust Fund, became effective. These regulations were codified in the Virginia Administrative Code at 12 VAC 5-185-10 *et seq.*

These regulations will designate the Department of Rehabilitative Services as the agency to administer the CNI Fund and establish (i) policies and procedures for handling applications for funding received by the CNI Advisory Board, (ii) criteria for reviewing applications and (iii) procedures for distributing moneys from the CNI Trust Fund. There are no substantive changes from the previously promulgated regulations. The changes are: (1) delete the definition of the State Board of Health; (2) change the Code citation for the Administrative Process Act; and (3) change the Code section for the Virginia Freedom of Information Act.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On December 18, 2002, the Commissioner of the Department of Rehabilitative Services adopted amendments to existing regulations entitled "Policies & Procedures for Administering Commonwealth Neurotrauma Initiative Trust Fund" (22 VAC 30-50-10 through 110. These amendments do not differ materially from those adopted by the State Board of Health and found in 12 VAC 5-185-10 through 110.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulations will not have any negative impact on the family and family stability. The regulations to administer the CNI Trust Fund are essential to the integrity of this program and to protect the health and safety of Virginians. The CNI Trust Fund is an unprecedented program in Virginia designed to promote medical research into traumatic brain and spinal cord injury and to provide treatment and care for Virginians who have sustained such injury. Moneys in the CNI Trust Fund shall be used solely to support grants for Virginia-based organizations, institutions and researchers for research on the mechanisms and treatment of neurotrauma and rehabilitative services.