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## Periodic Review Report of Findings

<b>Agency name</b>	Department for the Blind and Vision Impaired
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC45-51
<b>Regulation title</b>	Regulations Governing Provisions of Services in Vocational Rehabilitation
<b>Date this document prepared</b>	March 4, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

## Acronyms and Definitions

*Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

DBVI, Agency, Department – Department for the Blind and Vision Impaired

## Legal Basis

*Please identify (1) the agency or other promulgating entity, 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 entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

Department for the Blind and Vision Impaired. Code of Virginia § 51.5-60 Definitions.

Department for the Blind and Vision Impaired. Code of Virginia § 51.5-65 Functions, duties and powers of Commissioner. In addition to the functions, duties, and powers conferred and imposed upon the

Commissioner by other provisions of law, he shall ensure that the provisions of this chapter are properly administered and adopt regulations to carry out the applicable provisions of this chapter.

Code of Virginia §§ 2.2-4017 (Periodic review of regulations), 2.2-4007 (Notice of intended regulatory action; public hearing), and Executive Order 17 (2004) in combination require that every state regulation must be reviewed every four years to ensure the regulation is supported by statutory authority, determine that the regulation is necessary for the protection of public health, safety and welfare and are clearly written and easily understandable, and to make sure the regulations economic impact on small business is minimized as much as possible.

US Department of Education, 34 CFR Parts 361 State Vocational Rehabilitation Services Program and 363 State Supported Employment Services Program.

The Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. § 3101 et seq.).

US Department of Labor, Fair Labor Standards Act (29 U.S.C. § 201 et seq.).

### Alternatives

*Please 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.*

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There are no other viable options for achieving the purpose of the regulation because of the specificity and requirements of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. § 3101 et seq..)

### Public Comment

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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No public comment received.

### Effectiveness

*Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

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22 VAC 45-51 protects the public health, safety, and welfare of Virginia’s residents who are blind, vision impaired, or deafblind by establishing regulations governing provisions of services in vocational

rehabilitation whose purpose is to assist the same individuals to obtain, maintain, and regain competitive gainful employment

The regulation is clear and concise and explains that the chapter is promulgated by DBVI to govern the provision of vocational rehabilitation services to individuals who are blind, vision impaired and deafblind. The regulation addresses protection, use, and release of personal information; processing of referrals and applications for services; eligibility determinations; comprehensive assessments of qualifications for individualized plans for employment; establishment of order of selection; scope of services; development of individualized plan for employment; participation in cost of services; participation in use of comparable services and benefit; periodic review of ineligibility determinations and extended employment; and review of determinations made by the agency.

### Decision

*Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

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DBVI will retain this regulation as is.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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 the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.*

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22 VAC 45-51 is required for DBVI to comply with requirements set forth in US Department of Education Parts 34 CFR 361 and 363) The agency has not received any complaints or comments concerning the regulation.

The regulation is not complex; it is easy to read and understand. The regulation was last reviewed and amended in 2016 and does not conflict with other state or federal regulation. There are no substantial changes in technology, economic conditions, or other factors that impact the importance of implementation of the regulation.

Economic impact on small business generally is negligible because the regulation pertains specifically to the provision of vocational rehabilitation services to individuals who are blind, vision impaired, and deafblind. Additionally, members of the small business community have opportunity to make public comment during periodic review and annually as part of DBVI's conduct of public meetings.