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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department Health, Office of Health Equity
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	<u>12VAC5-540</u>
<b>VAC Chapter title(s)</b>	Rules and Regulations for the Identification of Medically Underserved Areas In Virginia
<b>Date this document prepared</b>	8/23/2022

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.*

N/A

## 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 Board of Health is authorized to make, adopt, promulgate, and enforce regulations pursuant to § 32.1-12 and mandated pursuant to § 32.1-122.5 of the Code of Virginia to identify medically underserved

areas within the Commonwealth and establish geographic areas in need of additional primary health care services. Further, these medically underserved areas may become eligible for assistance to establish primary care medical centers.

**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.*

The Board of Health is required by Va. Code § 32.1-122.6:01 to establish the Rules and Regulations for the Identification of Medically Underserved Areas In Virginia and promulgate regulations by which the program is administered. There are no other viable alternatives to regulation to comply with that requirement.

**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.*

Commenter	Comment	Agency response
Rick Shinn - Virginia Community Healthcare Association, 6/13/19 11:53 am	<p>On behalf of the community health centers providing primary health care services in medically underserved areas, the Association supports this program. At this time, we have no recommendations for changes to the regulations governing the program. This and similar programs, assist greatly in applying for federal funding to provide health care services to underserved areas, particularly rural areas.</p> <p>We ask the state to consider creating programs specific to these areas at the state level, such as physician residency programs, nursing programs, increasing funding for loan repayment programs, and developing pipelines to encourage young persons to pursue careers in healthcare and to remain or return to these areas.</p> <p>Doing so would be a significant development for the economies of these areas, creating jobs in underserved, economically challenged areas, as well as improving access to primary health care services, and as a tool for assisting in recruiting and retaining physicians, dentists and other health providers to practice and live in MUAs.</p>	VDH agrees that the Rules and Regulations for the Identification of Medically Underserved Areas in Virginia are necessary and that the regulation does not need to be amended in content, but updated to ensure that it is more comprehensible, clear, and consistent for the public’s interest.

**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.*

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Pursuant to § 2.2-4017 of the Code of Virginia, the Rules and Regulations for the Identification of Medically Underserved Areas In Virginia (12VAC5-540) meet the criteria set out in Executive Order 19. It is necessary for public health and welfare as the proper identification of areas or populations in need of healthcare workforce support assists in organizing and providing that support to ensure equitable access to care among all Virginians. As recommended, it is also necessary to ensure that it is more comprehensible, clear, and consistent.

### **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.*

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VDH has decided to amend the Rules and Regulations for the Identification of Medically Underserved Areas in Virginia (12VAC5-540 et seq.) to ensure that the language is readable, clear, consistent and in the public’s interest.

### **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.*

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The Rules and Regulations for the Identification of Medically Underserved Areas in Virginia (12VAC5-540) are required and there is a continued need for them. VDH received one favorable comment during the public comment period. The regulations are not complex and do not overlap, duplicate, or conflict with any state or federal laws and regulations. Technical amendments were made and effective in 2016. There has been no change in technology or other conditions since that regulatory action that would necessitate a substantive change to the Regulations. These regulations are important for primary provider placement, which promotes recruitment and retention, and is intended to address primary care provider shortages throughout the Commonwealth. As such, facilities that are located in Medically Underserved Areas are eligible for primary care provider placement. Those facilities that qualify as small businesses may benefit from the implementation of the Regulations. The Regulations have no adverse economic impact on small businesses.

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