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

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| <b>Agency name</b>  | Virginia Department for Aging and Rehabilitative Services |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 22VAC30-11  |
| <b>VAC Chapter title(s)</b>                                   | Public Participation Guidelines                           |
| <b>Date this document prepared</b>                            | January 4, 2021   |

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 (1VAC7-10), 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.*

PPG = Public Participation Guidelines

## 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.*

Section 2.2-4007.02 of the Code of Virginia requires public participation guidelines (PPGs) "for soliciting the input of interested parties in the formation and development of its regulations shall be developed, adopted, and used by each agency pursuant to the provisions of this chapter." An agency's PPGs "...shall

afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency, to include an online public comment forum on the Virginia Regulatory Town Hall, or other specially designated subordinate and (ii) be accompanied by and represented by counsel or other representative.”

In addition, § 51.5-131 of the Code of Virginia authorizes the Commissioner of DARS to promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth administered by DARS.

**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.*

There are no alternatives to this regulation because it is mandated by state law.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency 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 |
|-----------|---------|-----------------|
|           |         |                 |

No comments were received.

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, 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.*

The agency’s public participation guidelines afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency, including an online public comment forum on the Virginia Regulatory Town Hall, and other specially designated subordinate; and interested persons may be accompanied by and represented by counsel or other representative.

This regulation is clearly written. This regulation meets the criteria set out in Executive Order 14, as amended, July 16, 2018, as it is necessary for the protection of public health, safety, and welfare and is clearly written and easily understandable. There is no negative impact on the regulated community and the regulation does not overlap, duplicate, or conflict with federal or state law or regulation.

**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).*

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The agency recommends that the regulation be retained "as is."

This regulation is needed in order to meet the state requirements under Virginia law (§ 2.2-4007.02 of the Code of Virginia). The regulation as currently written is clear. No public comments were received. Therefore, no reason has been found to either amend or appeal this regulation and, therefore, has been found to be the least burdensome alternative to meet Virginia law.

### **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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This regulation is needed in order to meet the state requirements under Virginia law (§ 2.2-4007.02 of the Code of Virginia). The agency received no complaints or comments regarding the need to repeal or amend this regulation, and the regulation is written clearly and is easy to understand. This regulation does not overlap, duplicate, or conflict with any federal or state law or regulation, and this regulation was last revised November 30, 2016.

As a result of this periodic review, the Department has determined that the regulation has no negative economic impact on small business.

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