



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department for the Blind and vision Impaired
Virginia Administrative Code (VAC) citation	<u>22 VAC 45-50</u>
Regulation title	Regulation Governing Provision of Services in Vocational Rehabilitation
Action title	Repeal existing regulations and promulgate new regulations
Date this document prepared	4/28/06

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

This proposed action repeals existing regulations (22 VAC 45-50) concurrently with the promulgation of new regulations (22 VAC 45-51). Current regulations, last revised in 1990, are outdated and subsequently inconsistent with federal regulations. 22 VAC 45-51 updates existing regulations and removes agency policy language and two duplicative sections that are otherwise referenced in other sections of the existing regulations.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

[Code of Virginia §51.5-65](#) authorizes the Commissioner to promulgate regulations to carry out the provisions of this title.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

Regulations governing provision of services in vocational rehabilitation are intended to guide and direct the Department for the Blind and Vision Impaired in serving Virginian's who are blind or vision impaired as they seek to obtain or maintain employment. Repealing current and promulgating new regulations ensures that Virginia is not only in compliance with federal regulations but also continues to provide viable services to citizens of the Commonwealth.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

22 VAC 45-50 was last revised in 1990. Since that time, the agency name has changed from the Department for the Visually Handicapped to Department for the Blind and Vision Impaired. Additionally, an agency name change occurred with the Virginia Office for Protection and Advocacy, formally known as the Department for the Rights of Virginian's with Disabilities.

The new regulation incorporates updated federal language and removes agency policy language and two duplicative sections.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

The Department's administration considered revision of existing regulations and found changes to be substantial.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Anyone wishing to submit written comments may do so by mail, e-mail or fax to Susan D. Payne, Program Director, Vocational Rehabilitation, 397 Azalea Avenue, Richmond, Virginia 23227, (804) 371-

3184, Fax (804) 371-3351, susan.payne@dbvi.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Office of the Attorney General has provided guidance and technical support to the Department in the development of the new regulations.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent 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.

Blind or visually impaired citizens, their family members, consumer groups, state and local government entities, and others in the Commonwealth benefit from the promulgation of new regulations that are clearer to understand and provide accurate explanation of the services available to eligible Virginian's.