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Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation(s)	12VAC5-371
Regulation title(s)	Regulations for the Licensure of Nursing Facilities in Virginia
Action title	Legislative update due to HB343 (2016)
Final agency action date	December 20, 2017
Date this document prepared	October 16, 2017

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

House Bill 343 enacted by the 2016 General Assembly amends § 32.1-127 of the Code of Virginia to require the Board of Health to include in its regulations a provision requiring nursing homes to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient within 30 days of a written request for such funds by the discharged patient or the person administering the patient's estate in accordance with the Virginia Small Estate Act. The amendment changes the timeframe from 60 days to 30 days and a reference to the Virginia Small Estate Act is added. In addition, the amendment excludes entrance-related fees paid to a continuing care provider from this requirement. The Virginia Department of Health is utilizing this exempt action to amend the Regulations for the Licensure of Nursing Facilities (12VAC5-371 et. seq.) to reflect this new requirement.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Health Commissioner approved this Final Action on behalf of the State Board of Health while the State Board of Health was not in session on December 20, 2017.

Family impact

Please assess the impact of this 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.

This regulatory action will have no impact on the institution of the family and family stability.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please 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.

Commenter	Comment	Agency response

A periodic review was not performed. This is a legislative mandate.