



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-325
Regulation title	Fraud Reduction/Elimination Effort
Document preparation date	August 18, 2010

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 63.2-526 of the Code of Virginia (Code), the Statewide Fraud Control Program, requires the State Board of Social Services (Board) to adopt regulations to implement its provisions.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Section 63.2-526 requires that “The Board shall adopt regulations to implement the provisions of this section.” There is no viable alternative.

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. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received. An informal advisory group was not formed to assist in the periodic review process.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation meets the criteria set out in Executive Order 14.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Social Services (DSS) recommends that 22 VAC 40-325 remain in effect without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

Prevention and investigation of fraudulent activities helps ensure that benefits are available to those truly in need of public assistance.