



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5-410-440
<b>Regulation title</b>	Rules and Regulations for the Licensure of Hospitals
<b>Action title</b>	To require hospitals offering maternity services to offer mothers of newborns a blood sample for future DNA sampling.
<b>Final agency action date</b>	August 17, 2011
<b>Document preparation date</b>	May 23, 2011

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), the agency 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 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

HB1836 (2011) requires that, beginning July 1, 2012, hospitals providing maternity services offer new mothers a sample of their infant's blood should there ever be a future need for such a DNA sample. New mitochondrial DNA technology assists staff of the National Missing and Unidentified System, a national database dedicated to missing and unidentified individuals, in retrieving DNA profiles in cases that state medical examiner offices were previously unable to process, for lack of such evidence. The blood spot cards can also be used for paternity testing or identification of a missing or deceased child or person. The legislation requires only that applicable hospitals offer the opportunity to obtain the blood spot card to new mothers prior to discharge.

**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.*

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Pursuant to §32.1-20 of the Code of Virginia, the State Health Commissioner signed this action for the Board of Health when not in session.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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There is no direct impact on the family.