



[townhall.virginia.gov](http://townhall.virginia.gov)

## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation(s)</b>	12VAC5-371
<b>Regulation title(s)</b>	Regulations for the Licensure of Nursing Facilities in Virginia
<b>Action title</b>	Legislative update due to HB2072 (2017)
<b>Final agency action date</b>	December 20, 2017
<b>Date this document prepared</b>	October 17, 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 2072 enacted by the 2017 General Assembly amends §32.1-127 of the Code of Virginia relating to nursing home family councils and the rights of family members. House Bill 2072 requires the Board of Health to include in the Regulations for the Licensure of Nursing Facilities that rights of a nursing home resident's family to meet in the facility with the families of other residents of the facility by attending meetings of the family council shall not be restricted. 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.