



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Health (StateBoard of)
VAC Chapter Number:	12 VAC 5 -218
Regulation Title:	Rules and Regulations Governing Outpatient Health Data Reporting
Action Title:	Regulations to Administer Outpatient Patient Level Data System
Date:	June 27, 2003

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The regulation implements Virginia statutory law (as amended by HB 2763, Act of Assembly c. 341, 2001). The regulations stipulate the types of outpatient surgical information and the format in which the information is to be reported as required in 12 VAC 5-218. Emergency regulations were previously adopted. The regulation is not otherwise exempt under the provisions of §9-6.14:4.1(C) (4).

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

After reviewing and discussing authorizing law, as recently revised, the agency has determined that inclusion of Section 90 (i.e., 12 VAC 5-218-90) is unnecessary and inappropriate. Deletion of this one section is the only change made to the text of the proposed regulation.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

Vested with the authority of the State Board of Health pursuant to Section 32.1-20 of the Code, the State Health Commissioner adopted the Rules and Regulations Governing Outpatient Health Data Reporting as final on June 23, 2003.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The Code of Virginia §32.1-276.3, 32.1-276.6, 32.1-276.8 and 32.1-276.9 directs the State Board of Health to implement an outpatient patient level data system in association with the nonprofit, tax-exempt organization established in accordance with Code of Virginia §32.1-276.2 et seq.)

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The outpatient patient level data system collects information on at least five surgical procedures when performed on an outpatient basis in ambulatory surgical centers, hospitals and by physicians performing office-based surgery. The information is collected utilizing existing nationally adopted billing forms including but not limited to the data elements on the UB-92 and HCFA 1500 forms. The nonprofit, tax-exempt organization established in accordance with Code of Virginia §32.1-276.2 et seq. collects, edits and verifies the data submitted. The information will be used to assist businesses and consumers in making informed health care decisions and will also be available to health care providers, planners, and policymakers. The law includes a study of the impact and cost-benefit of this data collection system and the information's value to the public.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

No changes to the existing Emergency Regulations are recommended for inclusion in the final regulations.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage to consumers is access to information about outpatient surgical health providers, their location, and certain performance information. Other advantages to the Commonwealth include the use of the collected data for health policy, health research, and quality improvement activities by health care providers. There have been no identified disadvantages to the public.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

The Department of Health has not received any public comment on the regulations.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

No changes are proposed to the Emergency Regulations

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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 has no impact on the authority or rights of parents in the education, nurturing and supervision of their children.

This regulatory action has no impact on the economic self-sufficiency, self-pride or the assumption of responsibility for oneself, one's spouse, one's children or one's elderly parents.

This regulatory action has no impact on marital commitment.

This regulatory action may impact a family's disposable family income in a positive manner by providing additional information regarding outpatient surgical procedures, thus facilitating the family's ability to select cost-effective health care alternatives from the choices available.