



townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation(s)	12VAC5-410
Regulation title(s)	Regulations for the Licensure of Hospitals in Virginia
Action title	Amend Regulations to Require Establishment of Policies to Follow when a Stillbirth Occurs
Date this document prepared	October 30, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

Senate Bill 1197 enacted by the 2015 General Assembly, created § 32.1-127(B)(18) of the Code of Virginia which requires the regulations promulgated by the Board to include provisions which shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as specified by the Board in its regulations. The Virginia Department of Health is utilizing the standard regulatory process to amend the Regulations for the Licensure of Hospitals in Virginia (12VAC5-410 et. seq.) to reflect the requirements of § 32.1-127(B)(18) of the Code of Virginia.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and(2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The regulation is promulgated under the authority of §§ 32.1-12 and 32.1-127(B)(18) of the Code of Virginia. Section 32.1-12 grants the board the legal authority “to make, adopt, promulgate, and enforce such regulations necessary to carry out the provisions of Title 32.1 of the Code. Section 32.1-127(B)(18) of the Code of Virginia requires the regulations promulgated by the Board to include provisions which shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as specified by the Board in its regulations.

Purpose

Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

Senate Bill 1197 enacted by the 2015 General Assembly, created § 32.1-127(B)(18) of the Code of Virginia which requires the regulations promulgated by the Board to include provisions which shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as specified by the Board in its regulations. The Virginia Department of Health is utilizing the standard regulatory process to amend the Regulations for the Licensure of Hospitals in Virginia (12VAC5-410 et. seq.) to reflect the requirements of § 32.1-127(B)(18) of the Code of Virginia. The bill as well as the regulatory amendment is intended to ensure that hospitals have policies and procedures in place to assist patients and families in coping with the grief and loss resulting from a stillbirth and to ensure that patients are treated with respect and dignity during a difficult time. Therefore the regulation will assist in protecting the health and welfare of Virginia’s citizens.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

12VAC5-410-230- Patient Care Management – Shall provide provisions requiring hospitals to have policies in place to follow when a stillbirth occurs. These provisions will include best practices related to counseling patients and their families, family access to the deceased, the ability for family to create memorial tokens, and funeral arrangements. Other best practices may be included.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Senate Bill 1197 enacted by the 2015 General Assembly, created § 32.1-127(B)(18) of the Code of Virginia which requires the regulations promulgated by the Board to include provisions which shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as specified by the Board in its regulations. The regulations are mandated by law and there are no viable alternatives to the proposed regulatory action to achieve the necessary regulatory changes mandated by SB1197 (2015).

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to **Susan Puglisi, Policy Analyst, 9960 Mayland Drive, Suite 401, Henrico, VA 23233, phone number: 804-367-2157, fax number: 804-527-4502, and email address: susan.puglisi@vdh.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A panel will be appointed and the agency's contact if you're interested in serving on the panel is **Susan Puglisi, Policy Analyst, 9960 Mayland Drive, Suite 401, Henrico, VA 23233, phone number: 804-367-2157, fax number: 804-527-4502, and email address: susan.puglisi@vdh.virginia.gov**.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.