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Fast-Track Regulation
Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12 VAC5-11
VAC Chapter title(s)	Public Participation Guidelines
Action title	Amend Regulations Following Periodic Review
Date this document prepared	May 4, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code.*

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board of Health promulgated the Public Participation Guidelines ("Guidelines"), 12VAC5-11, pursuant to § 2.2-4007.02 of the Code to provide a process for soliciting and receiving public comment during the Board's regulatory processes. A Periodic Review was completed pursuant to Executive Order 14 (as amended July 16, 2018) during which the Board indicated a need to amend the Guidelines. This action will be used to conform the Guidelines to relevant statues and regulations, as well as changes in style to conform to the *Form, Style and Procedure Manual for Publication of Virginia Regulations* ("Style Manual").

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means the State Board of Health
"Code" means Code of Virginia

Statement of Final Agency Action

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 Board of Health approved this action at its meeting on June 23, 2022.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

As required by Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track process.

The impetus for this change was the most recent Periodic Review of the Guidelines, the result of which was posted December, 2019.

VDH is required, pursuant to Va. Code § 2.2-4007.02, to promulgate public participation guidelines and the changes made in this action either 1) conform the Guidelines to the Code of Virginia, or 2) are changes in style only. Thus, the action is expected to be noncontroversial.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency 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 §§ 2.2-4007.02 and 32.1-12 of the Code. Section 32.1-12 grants the Board of Health 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 2.2-4007.02 requires public participation guidelines for soliciting the input of interested parties in the formation and development of an agency's regulations to be developed, adopted, and used by each agency.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

Section 2.2-4007.02 requires public participation guidelines for soliciting the input of interested parties in the formation and development of an agency's regulations to be developed, adopted, and used by each agency.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The Guidelines are being updated for consistency with the *Form, Style and Procedure Manual for Publication of Virginia Regulations* ("Style Manual"). Additionally, the board will be incorporating the ability for public commenters to be accompanied and represented by legal counsel or another representative pursuant to Chapter 795 of the 2012 Acts of Assembly. Other revisions to the Regulations will be considered to ensure they are up to date and consistent with the Code of Virginia and other applicable law or regulations.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary 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, include a specific statement to that effect.

The primary advantages to both the public and to the agency are guidelines for participation in VDH's regulatory process that are clearer, more readable, and consistent with the Code. No disadvantages to the public or the Commonwealth were identified.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact

which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

None

Localities Particularly Affected

None

Other Entities Particularly Affected

None

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.

Impact on State Agencies

For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	There is no projected economic impact on the State Board of Health or the Virginia Department of Health.
For other state agencies: projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	There is no projected economic impact anticipated for other agencies.
For all agencies: Benefits the regulatory change is designed to produce.	The regulatory change will conform the Guidelines to the Code of Virginia and update the style for clarity and readability.

Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	There are no localities that will be affected by this change.
Benefits the regulatory change is designed to produce.	The regulatory change will conform the Guidelines to the Code of Virginia and update the style for clarity and readability.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	There are no other entities that will be affected by this change.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million.	There are no entities that will be affected by this change.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no other entities that will be affected by this change.
Benefits the regulatory change is designed to produce.	The regulatory change will conform the Guidelines to the Code of Virginia and update the style for clarity and readability.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.

The regulation complies with the statutory mandate to promulgate public participation guidelines and is the least burdensome alternative for adequately addressing the mandate of the law.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Section 2.2-4007.02 requires public participation guidelines for soliciting the input of interested parties in the formation and development of an agency's regulations to be developed, adopted, and used by each agency. The promulgation of these Guidelines and this regulatory change pose no adverse impact on the public or small businesses.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

As required by § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: https://townhall.virginia.gov. Comments may also be submitted by mail, email or fax to Michael Capps, Legislative & Regulatory Coordinator, 109 Governor St., 13th Floor, Richmond, VA 23219, (804) 864-7190, fax: (805) 864-7022 and boardofhealth@vdh.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements

12VAC5-11		**12VAC5-11-10. Purpose.** The purpose of this chapter is to promote public involvement in the development, amendment or repeal of the regulations of the State Board of Health. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).	**CHANGE: 12VAC5-11-10. Purpose.** A. The purpose of this chapter is to promote transparency and public involvement in the development, amendment or repeal of the regulations of the State Board of Health. B. This chapter does not apply to regulations, guidelines, or other documents exempted or excluded from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). **INTENT:** The intent of the change is to emphasize that transparency is important to the Board in promulgating regulations and to make the section more readable. **RATIONALE:** The rationale of the change is that separating requirements into multiple subsections is more readable than a larger block of text **LIKELY IMPACT:** The likely impact is that the section will be easier to read.
12VAC5-11-20		**12VAC5-11-20. Definitions.** … "Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency. "Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by § 2.2-3707 C of the Freedom of Information Act. "Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the purpose of reaching a consensus in the development of a proposed regulatory action. "Notification list" means a list used to notify persons pursuant to this chapter. Such a list may include an electronic list maintained through the Virginia Regulatory Town Hall	**CHANGE: 12VAC5-11-20. Definitions.** … "Basic law" means provisions in the Code of Virginia that delineate the basic authority and responsibilities of an agency or public body. "Closed meeting" means a meeting from which the public is excluded. "Commonwealth Calendar" means the electronic calendar for official government meetings open to the public as required by § 2.2-3707 C of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code). "Meeting" or "meetings" shall have the same meaning as in § 2.2-3701 of the Code. "Negotiated rulemaking panel" or "NRP" means an ad hoc advisory panel of interested parties established by an agency to consider issues that are controversial with the assistance of a facilitator or mediator, for the

		or other list maintained by the agency. "Open meeting" means any scheduled gathering of a unit of state government empowered by an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation. … "Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action. … "Virginia Register" means the Virginia Register of Regulations, the publication that provides official legal notice of new, amended and repealed regulations of state agencies, which is published under the provisions of Article 6 (§ 2.2-4031 et seq.) of the Administrative Process Act.	purpose of reaching a consensus in the development of a proposed regulatory action. "Notification list" means a list used to notify persons pursuant to this chapter~~. Such a list~~, which may include an electronic list maintained through the Virginia Regulatory Town Hall or other list maintained by the agency. "Open meeting" or "public meeting" means ~~any scheduled gathering of a unit of state government empowered by an agency's basic law to make regulations or decide cases, which is related to promulgating, amending or repealing a regulation~~ a meeting at which the public may be present. … ~~"Public hearing" means a scheduled time at which members or staff of the agency will meet for the purpose of receiving public comment on a regulatory action.~~ … "Virginia Register of Regulations" or "Register" means ~~the Virginia Register of Regulations,~~ the publication ~~that provides official legal notice of new, amended and repealed regulations of state agencies, which is published~~ issued under the provisions of Article 6 (§ 2.2-4031 et seq.) of the Administrative Process Act. **INTENT:** The intent of the change is to conform the definitions to the Code, the *Style Manual*, and add definitions for “Closed meeting” and “Meeting.” **RATIONALE:** The rationale of the change is to conform definitions of certain terms to the definitions of the same terms in relevant sections of the Code and add definitions of other terms that are used in the Guidelines. **LIKELY IMPACT:** The likely impact is that the updated definitions sections will provide more clarity and consistency throughout the Guidelines and with the Code.

12VAC5-11-30		**12VAC5-11-30. Notification list.** A. The agency shall maintain a list of persons who have requested to be notified of regulatory actions being pursued by the agency. B. Any person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. Any person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier. C. The agency may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions. D. When electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, that person may be deleted from the list. A single undeliverable message is insufficient cause to delete the person from the list. E. When mail delivered by a postal carrier is returned as undeliverable on multiple occasions, that person may be deleted from the list. F. The agency may periodically request those persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list.	**CHANGE: 12VAC5-11-30. Notification list.** A. The agency shall maintain a list of persons who have requested to be notified of a regulatory ~~actions~~ action being pursued by the agency. B. ~~Any~~ A person may request to be placed on a notification list by registering as a public user on the Town Hall or by making a request to the agency. ~~Any~~ A person who requests to be placed on a notification list shall elect to be notified either by electronic means or through a postal carrier. C. The agency may maintain additional lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions. D. ~~When~~ If electronic mail is returned as undeliverable on multiple occasions at least 24 hours apart, the agency may delete that person ~~may be deleted~~ from the list. ~~A single undeliverable message is insufficient cause to delete the person from the list.~~ E. ~~When~~ If mail delivered by a postal carrier is returned as undeliverable on multiple occasions, the agency may delete that person ~~may be deleted~~ from the list. F. The agency may periodically request ~~those~~ the persons on the notification list to indicate their desire to either continue to be notified electronically, receive documents through a postal carrier, or be deleted from the list. **INTENT:** The intent is to make changes in style to conform to the *Style Manual*. **RATIONALE:** The rationale of the change is that the current language is not consistent with the *Style Manual*.

			LIKELY IMPACT: The likely impact is that the section will be more readable.
12VAC5-40		**12VAC5-11-40. Information to be sent to persons on the notification list.** A. To persons electing to receive electronic notification or notification through a postal carrier as described in 12VAC5-11-30, the agency shall send the following information: 1. A notice of intended regulatory action (NOIRA). 2. A notice of the comment period on a proposed, a reproposed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents. …	**CHANGE: 12VAC5-11-40. Information to be sent to persons on the notification list.** A. ~~To~~ The agency shall send, to persons ~~electing to receive electronic notification or notification through a postal carrier as~~ on the notification list described in 12VAC5-11-30, ~~the agency shall send~~ the following information if it is to be published in the Register: 1. A notice of intended regulatory action (NOIRA)~~.~~; 2. A notice of the comment period on a proposed, a reproposed, or a fast-track regulation and hyperlinks to, or instructions on how to obtain, a copy of the regulation and any supporting documents~~.~~; and … **INTENT:** The intent of the change is to conform the section to the *Style Manual.* **RATIONALE:** The rationale is that the does not currently conform to the *Style Manual's* requirements. **LIKELY IMPACT:** The likely impact is that the section will be more readable.
12VAC5-11-50		**12VAC5-11-50. Public comment.** A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency. Such opportunity to comment shall include an online public comment forum on the Town Hall. 1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory	**CHANGE: 12VAC5-11-50. Public comment.** A. In considering ~~any~~ a nonemergency, nonexempt regulatory action, the agency shall afford an interested ~~persons~~ person an opportunity to submit data, views, and arguments, either orally or in writing, to the agency. ~~Such~~ The opportunity to comment shall include an online public comment forum on the Town Hall. B. An interested person may be accompanied by counsel or another representative when providing public comment to the agency.

		action; and the agency's response to public comments received. 2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments. B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows: 1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA). 2. For a minimum of 60 calendar days following the publication of a proposed regulation. 3. For a minimum of 30 calendar days following the publication of a reproposed regulation. 4. For a minimum of 30 calendar days following the publication of a final adopted regulation. 5. For a minimum of 30 calendar days following the publication of a fast-track regulation. 6. For a minimum of 21 calendar days following the publication of a notice of periodic review. 7. Not later than 21 calendar days following the publication of a petition for rulemaking. C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended. D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia. E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.	~~1. To~~ C. The agency shall provide, to any requesting person, ~~the agency shall provide~~ copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received. ~~2.~~ D. The agency may begin crafting a regulatory action ~~prior to~~ before or during ~~any opportunities~~ an opportunity it provides to the public to submit comments. ~~B.~~ E. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows: 1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA). 2. For a minimum of 60 calendar days following the publication of a proposed regulation. 3. For a minimum of 30 calendar days following the publication of a reproposed regulation. 4. For a minimum of 30 calendar days following the publication of a final adopted regulation. 5. For a minimum of 30 calendar days following the publication of a fast-track regulation. 6. For a minimum of 21 calendar days following the publication of a notice of periodic review. 7. Not later than 21 calendar days following the publication of a petition for rulemaking. ~~C.~~ F. The agency may ~~determine if any of the~~ extend a comment ~~periods~~ period listed in ~~subsection B of~~ this section ~~shall be extended~~ at its discretion.

			~~D.~~ G. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia. ~~E.~~ H. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia. **INTENT:** The intent of the change is to clarify a person's right to be accompanied and represented by counsel while providing public comment and conform the section to the *Style Manual.* **RATIONALE:** Ch 795 of the 2012 Acts of Assembly granted a person the right to be accompanied and represented by counsel or another representative and the Guidelines have not been revised since then. The rationale for the style changes is the same as mentioned in earlier sections. **LIKELY IMPACT:** The likely impact is that persons wishing to provide public comment to the Board may be more aware of their right to representation when providing public comment and more people may choose to exercise that right.
12VAC5-11-60		**12VAC5-11-60. Petition for rulemaking.** A. As provided in § 2.2-4007 of the Code of Virginia, any person may petition the agency to consider a regulatory action. B. A petition shall include but is not limited to the following information: 1. The petitioner's name and contact information; 2. The substance and purpose of the rulemaking that is requested, including	**CHANGE: 12VAC5-11-60. Petition for rulemaking.** A. ~~As provided in~~ Pursuant to § 2.2-4007 of the Code of Virginia, ~~any~~ a person may petition the agency to consider a regulatory action. B. A petition shall include ~~but is not limited to~~ the following information: 1. The petitioner's name and contact information;

		reference to any applicable Virginia Administrative Code sections; and 3. Reference to the legal authority of the agency to take the action requested. C. The agency shall receive, consider and respond to a petition pursuant to § 2.2-4007 and shall have the sole authority to dispose of the petition. D. The petition shall be posted on the Town Hall and published in the Virginia Register. E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking.	2. The substance and purpose of the ~~rulemaking~~ action that is requested, including reference to any applicable Virginia Administrative Code sections; and 3. Reference to the legal authority of the ~~agency~~ board to take the action requested. C. The agency shall receive, consider and respond to a petition pursuant to § 2.2-4007 and shall have the sole authority to dispose of the petition. D. The petition shall be posted on the Town Hall and published in the ~~Virginia~~ Register. E. Nothing in this chapter shall prohibit the agency from receiving information or from proceeding on its own motion for rulemaking. **INTENT:** The intent is to conform the Guidelines to the *Style Manual.* **RATIONALE:** The rationale for the style changes is the same as mentioned in earlier sections. **LIKELY IMPACT:** The likely impact is that the section will be more readable.
12VAC5-11-70		**12VAC5-11-70. Appointment of regulatory advisory panel.** A. The agency may appoint a regulatory advisory panel (RAP) to provide professional specialization or technical assistance when the agency determines that such expertise is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action. B. Any person may request the appointment of a RAP and request to participate in its activities. The agency shall determine when a RAP shall be appointed and the composition of the RAP. C. A RAP may be dissolved by the agency if:	**CHANGE: 12VAC5-11-70. Appointment of regulatory advisory panel.** A. The agency may appoint a regulatory advisory panel (RAP) to provide professional, ~~specialization~~ specialized, or technical assistance ~~when~~ if the agency determines that ~~such expertise~~ the assistance is necessary to address a specific regulatory issue or action or when individuals indicate an interest in working with the agency on a specific regulatory issue or action. B. ~~Any~~ A person may request the appointment of a RAP and request to participate in its activities. The agency shall determine ~~when~~ if a RAP shall be appointed and the composition of the RAP.

		1. The proposed text of the regulation is posted on the Town Hall, published in the Virginia Register, or such other time as the agency determines is appropriate; or 2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act.	C. ~~A~~ The agency may dissolve a RAP ~~may be dissolved by the agency~~ if: 1. The proposed text of the regulation is posted on the Town Hall, published in the ~~Virginia~~ Register, or ~~such other~~ at another time as the agency determines is appropriate; or 2. The agency determines that the regulatory action is either exempt or excluded from the requirements of the Administrative Process Act. **INTENT:** The intent is to make the section more readable, conform to the *Style Manual*. **RATIONALE:** The rationale for the style changes is the same as mentioned in earlier sections. **LIKELY IMPACT:** The likely impact is that the regulations will be more readable.
12VAC5-11-90		**12VAC5-11-90. Meetings.** Notice of any open meeting, including meetings of a RAP or NRP, shall be posted on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days prior to the date of the meeting. The exception to this requirement is any meeting held in accordance with § 2.2-3707 D of the Code of Virginia allowing for contemporaneous notice to be provided to participants and the public.	**CHANGE: 12VAC5-11-90. Meetings.** ~~Notice~~ A. The agency shall post notice of ~~any~~ an open meeting, including ~~meetings~~ a meeting of a RAP or NRP, ~~shall be posted~~ on the Virginia Regulatory Town Hall and Commonwealth Calendar at least seven working days ~~prior to~~ before the date of the meeting. B. The agency may give notice to the public contemporaneously with the notice provided to the members of the agency conducting the meeting for a special, emergency, or continued ~~The exception to this requirement is any~~ meeting held in accordance with § 2.2-3707 D of the Code ~~of Virginia allowing for contemporaneous notice to be provided to participants and the public~~. C. The agency may hold a closed meeting for the purposes listed in § 2.2-3711 of the Code of Virginia pursuant to the requirements of § 2.2-3712 of the Code of Virginia.

			D. The agency may conduct a meeting through electronic communication means pursuant to §§ 2.2-3708.2 and 2.2-3708.3 of the Code of Virginia. **INTENT:** The intent of the change is to conform the text to the *Style Manual* and reference closed meetings and meetings conducted through electronic communications. **RATIONALE:** The rationale is that the text was not consistent with the *Style Manual* and that referencing the Code section related to alternate conduct of meetings within the Guidelines would make the information easier to find for the public. **LIKELY IMPACT:** The likely impact is that the section will be more readable and will clarify meeting-related statutory requirements.
12VAC5-11-110		**12VAC5-11-110. Periodic review of regulations.** A. The agency shall conduct a periodic review of its regulations consistent with: 1. An executive order issued by the Governor pursuant to § 2.2-4017 of the Administrative Process Act to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance; and 2. The requirements in § 2.2-4007.1 of the Administrative Process Act regarding regulatory flexibility for small businesses. B. A periodic review may be conducted separately or in conjunction with other regulatory actions. C. Notice of a periodic review shall be posted on the Town Hall and published in the Virginia Register.	**CHANGE: 12VAC5-11-110. Periodic review of regulations.** A. The agency shall conduct a periodic review of its regulations consistent with: 1. An executive order issued by the Governor pursuant to § 2.2-4017 of the Administrative Process Act to receive comment on all existing regulations ~~as to~~ regarding their effectiveness, efficiency, necessity, clarity, and cost of compliance; and 2. The requirements in § 2.2-4007.1 of the Administrative Process Act regarding regulatory flexibility for small businesses. B. ~~A~~ The agency may conduct a periodic review ~~may be conducted~~ separately or in conjunction with ~~other~~ another regulatory ~~actions~~ action. C. ~~Notice~~ The agency shall post a notice of a periodic review ~~shall be posted~~ on the Town Hall and ~~published~~ submit the notice to the Registrar for publication in the ~~Virginia~~ Register.

			INTENT: The intent is to conform to the *Style Manual*. **RATIONALE:** The rationale for the style changes is the same as mentioned in earlier sections. **LIKELY IMPACT:** The likely impact is that the regulations will be more readable.