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Periodic Review Report of Findings

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12 VAC 5-215
Regulation title	Rules and Regulations Governing Health Data Reporting
Date this document prepared	11/25/19

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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

"Board" means the Virginia Board of Health.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must 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 or promulgating entity's overall regulatory authority.

Section 32.1-12 of the Code of Virginia gives the Board the responsibility to make, adopt, promulgate, and enforce such regulations as may be necessary to carry out the provisions of Title 32.1 of the Code of Virginia. Section 32.1-276.2 of the Code of Virginia requires the Board to adopt regulation to establish

effective health care data analysis and reporting initiatives essential to improving the quality and efficiency of health care.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternative was considered because the General Assembly required the Board to adopt regulations governing health data reporting. It is the least burdensome method to accomplish this.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
James B. Andrews III Vice President, Financial Policy, VHHA via the Virginia Regulatory Town Hall	Chapters 215 and 216 of the Department of Health regulatory provisions should be repealed as they are unnecessary and no longer in use. Virginia Health Information has made substantial changes to the filing requirements and the data elements which are filed, and these regulations should be updated to reflect such changes. Specifically, 12 VAC 5-215-50 through 215-210 have been changed significantly due to different filing requirements and the means utilized to submit such information. It appears that chapter 216 can be repealed entirely with the appropriate modifications to chapter 215.	The Board will utilize the comments provided during the regulatory review process to guide future regulations.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is necessary for the protection of public health because data analysis and reporting are essential to improving the quality and efficiency of health care, fostering competition among health care providers, and increasing consumer choice with regard to health care services in the Commonwealth. Portions of this regulation are no longer necessary and requirements have changed.

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Board has decided to amend the regulation.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, 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. Also, discuss why the agency’s decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation as the Board is required to administer the health care data reporting initiatives. The Board has taken into account complaints and comments received from the public regarding this regulation, specifically 12VAC5-215-50 through 210. The regulation is not complex. The regulation does not conflict with state law or regulation. The regulation requires a comprehensive review to reflect changes in the health care industry, technology and economic conditions.