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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-294
VAC Chapter title(s)	Applications for Public Assistance
Date this document prepared	April 20, 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**.

Acronyms and Definitions

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

Board - State Board of Social Services
Code - Code of Virginia
LDSS - Local department(s) of social services

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 or 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.

Section 63.2-217 of the Code of Virginia grants authority to the State Board of Social Services (the Board) to promulgate rules and regulations necessary to carry out the purpose of Title 63.2, including the operation of assistance programs in Virginia. Section 63.2-501 of the Code of Virginia mandates that the local departments of social services (LDSS) must provide each applicant for Medicaid with information regarding advance directives pursuant to Article 8 of Chapter 29 of Title 54.1. Section 63.2-501.1 of the Code of Virginia mandates that the LDSS must also obtain alternative contact information from each applicant for public assistance.

Alternatives to Regulation

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.

There are no other viable alternatives for achieving the purpose of this regulation. No changes need to be made and the regulation should be retained “as is” because it is not burdensome and sets out the exact mandates required by Code.

Public Comment

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

No comments were received during the public comment period, which ended on January 10, 2022. This is not a burdensome regulation so no advisory group was formed to assist in the review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, 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 governs the applications for public assistance and is necessary for the protection of public health, safety and welfare. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

This regulation should be retained without changes.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

This regulation is necessary because it governs applications for public assistance. There were no complaints or comments received from the public concerning this regulation. This regulation does not conflict with federal or state law or regulations and there are no requirements that exceed applicable federal requirements. This regulation was last amended in 2017. There are no impacts on small businesses, as it does not include any language that prescribes limitations or requirements on small businesses.
