



townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation(s)	12VAC5-520
Regulation title(s)	Regulations Governing the Dental Scholarship and Loan Repayment Programs
Action title	Amend Regulations following Periodic Review
Date this document prepared	July 11, 2016

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.

In June of 2016, the Virginia Department of Health (VDH) conducted a periodic review of 12VAC5-520, Regulations Governing the Dental Scholarship and Loan Repayment Programs. As a result of the review, VDH determined it was necessary to use the regulatory process to amend these regulations. It is necessary to amend these regulations as the regulatory chapter has not been comprehensively revised in over a decade. This regulatory action is also necessary to amend the regulations to conform to similar regulatory chapters. There are several scholarship and loan repayment programs administered by VDH and these regulations as currently written do not resemble those other programs. The proposed amendments will make the regulatory chapter consistent with similar programs.

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, 32.1-122.9 and 32.1-122.9:1 of Chapter 4 of Title 32.1 of the Code of Virginia (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 32.1-122.9 of the Code directs the Board of Health to establish an annual dental scholarship for students in good standing at Virginia Commonwealth University. Section 32.1-122.9 of the Code also directs the Board of Health to promulgate regulations to administer the scholarship program. Section 32.1-122.9:1 of the Code directs the Board of Health to establish a dentist loan repayment program for graduates of accredited dental schools who meet criteria determined by the Board. Executive Order 17 (2014) requires that every existing state regulation be reviewed at least once every four years by the promulgating agency. Pursuant to that order VDH conducted a periodic review of 12VAC5-520 in June of 2016. This regulatory action is necessary in order for the regulatory chapter to be in compliance with the general principles of Executive Order 17 (2014), which requires that regulations be clearly written and easily understandable and that the regulations shall be designed to achieve their intended objective in the most efficient, and cost effective manner.

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.

In June of 2016, VDH conducted a periodic review of 12VAC5-520, “Regulations Governing the Dental Scholarship and Loan Repayment Programs.” As a result of the review, VDH determined it was necessary to use the regulatory process to amend these regulations. It is necessary to amend these regulations as the regulatory chapter has not been comprehensively revised in over a decade. This regulatory action is also necessary to amend the regulations to conform to similar regulatory chapters. There are several scholarship and loan repayment programs administered by VDH and these regulations as currently written do not resemble those other programs. The regulatory action is essential to protect the health, safety and welfare of citizens as 12VAC5-520 is currently out of date and is not consistent with other similar programs. This proposed regulatory action shall update the regulatory chapter and encourage the use of the scholarship and loan repayment programs potentially leading to more dentists serving within the Commonwealth of Virginia.

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.

Definitions- Add the definitions of applicant, dental health professional shortage area and recipient. Simplify the definition of interest.

Eligible applicants- Update the format of the section so that it resembles other similar regulatory chapters

Scholarship and loan repayment award- Minor technical amendments

Distribution of scholarships and loan repayment awards- Minor technical amendments

Contractual practice obligation- Update the format of the section so that it resembles other similar regulatory chapters. Minor technical amendments.

Special requests for approval- Minor technical amendments

Default- Rename the section breach of contract and update the format of the section so that it resembles other similar regulatory chapters.

Deferment and waivers- New section- Will consist of some language from the previous default section- update the format of the section so that it resembles other similar regulatory chapters.

Repayment- Minor technical amendments

Reporting requirements- Update the format of the section so that it resembles other similar regulatory chapters.

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.

Section 32.1-122.9 of the Code directs the Board of Health to establish an annual dental scholarship for students in good standing at Virginia Commonwealth University. Section 32.1-122.9 of the Code also directs the Board of Health to promulgate regulations to administer the scholarship program. Section 32.1-122.9:1 of the Code directs the Board of Health to establish a dentist loan repayment program for graduates of accredited dental schools who meet criteria determined by the Board. Executive Order 17 (2014) requires that every existing state regulation be reviewed at least once every four years by the promulgating agency. Pursuant to that order VDH conducted a periodic review of 12VAC5-520 in June of 2016. This regulatory action is necessary in order for the regulatory chapter to be in compliance with the general principles of Executive Order 17 (2014), which requires that regulations be clearly written and easily understandable and that regulations shall be designed to achieve their intended objective in the most efficient, and cost effective manner. The regulations are mandated by law, the review of the regulations are mandated by law and there are no viable alternatives to the proposed regulatory action to achieve the necessary regulatory changes determined to be appropriate as determined by the regulatory review.

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, 109 Governor Street, Richmond, VA 23219, (804)864-7175, and 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 public hearing will not be held following the publication of the proposed stage of this regulatory action.

A regulatory advisory panel will not be used to assist in the development of this regulatory proposal.

Periodic review and small business impact review report of findings

If this NOIRA is the result of a periodic review/small business impact review, use this NOIRA to report the agency's findings. Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please 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.

No public comments were received during the public comment period following the publication of the Notice of Periodic Review. Following the amendments proposed in this regulatory action the regulations shall meet the criteria set out in Executive Order 17 (2014). The regulatory chapter is mandated by law. The Virginia Department of Health is not aware of any complaints concerning the regulation from the public. Following the amendments proposed in this regulatory action the regulation shall be written as plainly as possible. The regulation does not overlap, duplicate or conflict with federal or state law or regulation. The regulations have been evaluated in the recent periodic review as to whether technology, economic conditions or other facts have changed in the area affected by the regulation; in areas where there are changes the Virginia Department of Health has suggested amendments.