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## Exempt Action: Final Regulation Agency Background Document

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| <b>Agency name</b>  | State Board of Health   |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 12VAC5-391-10 <i>et seq.</i>  |
| <b>VAC Chapter title(s)</b>                                   | Regulations for the Licensure of Hospice  |
| <b>Action title</b>   | Amend Regulation to Conform to Chapter 56 of the 2020 Acts of Assembly, Special Session I |
| <b>Final agency action date</b>                               | January 26, 2021  |
| <b>Date this document prepared</b>                            | January 4, 2021   |

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, 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.*

Item 300(F) of Chapter 56 of the 2020 Acts of Assembly, Special Session I, requires every medical care facility licensed by the Virginia Department of Health, excluding nursing homes, to permit “a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person at any time during which health care services are provided” during the COVID-19 public health emergency.

This exempt action is being utilized to conform 12VAC5-391-10 *et seq.* to the budgetary language.

## 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, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "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."*

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The mandate for this change is found in Item 300(F) of Chapter 56 of the 2020 Acts of Assembly, Special Session I.

### **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.*

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The State Health Commissioner approved this Final Action regarding the Regulations for the Licensure of Hospice, on behalf of the State Board of Health while the Board was not in session on January 26, 2021.