

Office of Regulatory Management  
Economic Review Form

|   |   |
|---|---|
| <b>Agency name</b>  | State Board of Health                       |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 12VAC5-11                                   |
| <b>VAC Chapter title(s)</b>                                   | Public Participation Guidelines             |
| <b>Action title</b>   | Amend Regulations Following Periodic Review |
| <b>Date this document prepared</b>                            | September 6, 2022                           |

**Cost Benefit Analysis**

Table 1a must be completed for all actions. Tables 1b and 1c must be completed for actions (or portions thereof) where the agency is exercising discretion, including those where some of the changes are mandated by state or federal law or regulation. Tables 1b and 1c are not needed if **all** changes are mandated, and the agency is not exercising any discretion. In that case, enter a statement to that effect.

- (1) Direct Costs & Benefits: Identify all specific, direct economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (A direct impact is one that affects entities regulated by the agency and which directly results from the regulatory change itself, without any intervening steps or effects. For example, the direct impact of a regulatory fee change is the change in costs for these regulated entities.) 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 the proposed change versus the status quo. One bullet has been provided, add additional bullets as needed.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of total (overall) direct costs described above.
  - (b) Enter estimated dollar value of total (overall) direct benefits described above.
  - (c) Enter the present value of the direct costs based on the worksheet.
  - (d) Enter the present value of the direct benefits based on the worksheet.
- (3) Benefits-Costs Ratio: Calculate d divided by c OR enter it from the worksheet.
- (4) Net Benefit: Calculate d minus c OR enter it from the worksheet.
- (5) Indirect Costs & Benefits: Identify all specific, indirect economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (An indirect impact is one that results from responses to the regulatory change, but which are not directly required by the regulation. Indirect impacts of a regulatory fee change on regulated entities could include a change in the prices they charge, changes in their operating procedures or employment levels, or decisions to enter or exit the regulated profession or market. Indirect impacts also include responses by other entities that have close economic ties to the regulated entities, such as suppliers or partners.) If there are no indirect costs or benefits, include a specific statement to that effect.

- (6) Information Sources: Describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (7) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

|  |  |                                |
|--|--|--------------------------------|
| <p>(1) Direct Costs &amp; Benefits</p> | <ul style="list-style-type: none"> <li>• <b>Section 50: Allowing public commenters to be accompanied/represented by counsel.</b></li> </ul> <p>Direct Costs: There are no direct costs associated with this change.</p> <p>Direct Benefits: The addition of this language in the Public Participation Guidelines (PPGs) makes no substantive change to the rights or responsibilities of the public or any other entity, as the change was made to the Code of Virginia pursuant to Chapter 795 of the 2012 Acts of Assembly. The benefit is that it would inform interested parties who read the PPGS but not the Code of their legal rights concerning representation.</p> <ul style="list-style-type: none"> <li>• <b>Section 90: Two subsections added regarding closed meetings and meetings held via electronic means.</b></li> </ul> <p>Direct Costs: There are no direct costs associated with this change.</p> <p>Direct Benefits: The addition of this language in the Public Participation Guidelines (PPGs) makes no substantive change to the rights or responsibilities of the public or any other entity. The benefit is that it would inform interested parties who read the PPGS but not the Code of the Board’s rights and responsibilities regarding closed or electronic meetings.</p> <ul style="list-style-type: none"> <li>• <b>General updates to conform with the <i>Form, Style, and Procedure Manual for Publication of Virginia Regulations (“Style Manual”)</i>.</b></li> </ul> <p>Direct Costs: There are no direct costs associated with this change.</p> <p>Direct Benefits: These changes in the Public Participation Guidelines (PPGs) makes no substantive change to the rights or responsibilities of the public or any other entity. The benefit is that the regulations are written more clearly and are more readable for the public.</p> |                                |
|  | <p>(2) Quantitative Factors</p>  | <p>Estimated Dollar Amount</p> |

|                               |  |                      |
|-------------------------------|--|----------------------|
| Direct Costs                  | (a) 0  | (c) 0                |
| Direct Benefits               | (b) 0  | (d) 0                |
| (3) Benefits-Costs Ratio      | 0  | (4) Net Benefit<br>0 |
| (5) Indirect Costs & Benefits | There are no indirect costs or benefits associated with these changes.                 |                      |
| (6) Information Sources       | There are no quantitative or monetary costs or benefits associated with these changes. |                      |
| (7) Optional                  |  |                      |

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

*This table addresses current requirements and the implications of not making any changes. In other words, describe the costs and benefits of maintaining the current regulatory requirements as is.*

|                               |  |                      |
|-------------------------------|--|----------------------|
| (1) Direct Costs & Benefits   | Direct Costs: There are no direct costs of maintaining the current regulatory requirements.<br><br>Direct Benefits: There are no direct benefits of maintaining the current regulatory requirements. |                      |
| (2) Quantitative Factors      | Estimated Dollar Amount  | Present Value        |
| Direct Costs                  | (a) 0  | (c) 0                |
| Direct Benefits               | (b) 0  | (d) 0                |
| (3) Benefits-Costs Ratio      | 0  | (4) Net Benefit<br>0 |
| (5) Indirect Costs & Benefits | There are no indirect costs or benefits of maintaining the current regulatory requirements.  |                      |

|                         |   |
|-------------------------|---|
| (6) Information Sources | There are no indirect costs or benefits of maintaining the current regulatory requirements. |
| (7) Optional            |   |

**Table 1c: Costs and Benefits under an Alternative Approach**

*This table addresses an alternative approach to accomplishing the objectives with different requirements. These alternative approaches may include the use of reasonably available alternatives in lieu of regulation, or information disclosure requirements or performance standards instead of regulatory mandates.*

|                               |   |                 |   |
|-------------------------------|---|-----------------|---|
| (1) Direct Costs & Benefits   | <ul style="list-style-type: none"> <li>• <b>One alternative would be to only make the change in Section 50 regarding public commenters’ right to legal representation.</b></li> </ul> <p>Direct Costs: There are no direct costs associated with this alternative. A negative implication would be that the other changes, which are intended to make the PPGs of greater informational value and more readable to the interested public, would not be made.</p> <p>Direct Benefits: There are not direct benefits to this alternative.</p> |                 |   |
| (2) Quantitative Factors      | Estimated Dollar Amount   | Present Value   |   |
| Direct Costs                  | (a) 0   | (c) 0           |   |
| Direct Benefits               | (b) 0   | (d) 0           |   |
| (3) Benefits-Costs Ratio      | 0   | (4) Net Benefit | 0 |
| (5) Indirect Costs & Benefits | There are no indirect costs or benefits associated with this alternative.   |                 |   |
| (6) Information Sources       |   |                 |   |
| (7) Optional                  |   |                 |   |

**Impact on Local Partners**

- (1) Describe the direct costs and benefits (as defined on page 1) for local partners in terms of real monetary costs and FTEs. Local partners include local or tribal governments, school divisions, or other local or regional authorities, boards, or commissions. If local partners are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of total (overall) direct costs described above.
  - (b) Enter estimated dollar value of total (overall) direct benefits described above.
- (3) Indirect Costs & Benefits: Describe any indirect benefits and costs (as defined on page 1) for local partners that are associated with all significant changes. If there are no indirect costs or benefits, include a specific statement to that effect.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (5) Assistance: Identify the amount and source of assistance provided for compliance in both funding and training or other technical implementation assistance.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

**Table 2: Impact on Local Partners**

|                               |  |
|-------------------------------|--|
| (1) Direct Costs & Benefits   | There are no direct costs or benefits for local partners.      |
| (2) Quantitative Factors      | Estimated Dollar Amount  |
| Direct Costs                  | (a) 0  |
| Direct Benefits               | (b) 0  |
| (3) Indirect Costs & Benefits | There are no indirect costs or benefits for local partners.    |
| (4) Information Sources       | There are no quantitative costs or benefits for local partners |
| (5) Assistance                |  |
| (6) Optional                  |  |

**Economic Impacts on Families**

- (1) Describe the direct costs and benefits (as defined on page 1) to a typical family of three (average family size in Virginia according to the U. S. Census) arising from any proposed regulatory changes that would affect the costs of food, energy, housing, transportation, healthcare, and education. If families are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of direct costs.
  - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe any indirect costs and benefits (as defined on page 1) to a typical family of three that are most likely to result from the proposed changes.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (5) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

**Table 3: Impact on Families**

|                               |   |
|-------------------------------|---|
| (1) Direct Costs & Benefits   | There are no direct costs for families.<br><br>The benefit is that it would inform interested parties who read the PPGS but not the Code of their legal rights concerning representation, information about closed and electronic meetings, and the PPGS in general would be more readable. |
| (2) Quantitative Factors      | Estimated Dollar Amount   |
| Direct Costs                  | (a) 0   |
| Direct Benefits               | (b) 0   |
| (3) Indirect Costs & Benefits | There are no indirect costs or benefits for families.   |
| (4) Information Sources       | There are no quantitative costs or benefits for families.   |

|              |  |
|--------------|--|
| (5) Optional |  |
|--------------|--|

**Impacts on Small Businesses**

- (1) Describe the direct costs and benefits (as defined on page 1) for small businesses. For purposes of this analysis, “small business” means the same as that term is defined in § 2.2-4007.1. If small businesses are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of direct costs.
  - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe the indirect benefits and costs (as defined on page 1) for small businesses that are most likely to result from the proposed changes.
- (4) Alternatives: Add a qualitative discussion of any equally effective alternatives that would make the regulatory burden on small business more equitable compared to other affected business sectors, and how those alternatives were identified.
- (5) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

**Table 4: Impact on Small Businesses**

|                             |   |
|-----------------------------|---|
| (1) Direct Costs & Benefits | There are no direct costs for small businesses.<br><br>The benefit is that it would inform interested parties who read the PPGS but not the Code of their legal rights concerning representation, information about closed and electronic meetings, and the PPGS in general would be more readable. |
| (2) Quantitative Factors    | Estimated Dollar Amount   |
| Direct Costs                | (a)0  |
| Direct Benefits             | (b)0  |

|                               |  |
|-------------------------------|--|
| (3) Indirect Costs & Benefits | There are no indirect costs or benefits for small businesses.  |
| (4) Alternatives              | There are no indirect costs or benefits for small businesses with the proposed or an alternative change. |
| (5) Information Sources       | There are no quantitative costs or benefits for small businesses.  |
| (6) Optional                  |  |

**Changes to Number of Regulatory Requirements**

*For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed.*

**Table 5: Total Number of Requirements**

|                | Number of Requirements |           |              |            |
|----------------|------------------------|-----------|--------------|------------|
| Chapter number | Initial Count          | Additions | Subtractions | Net Change |
| 11             | 28                     | 0         | 0            | 0          |