**Form: TH-12**
**07/10**

Virginia Regulatory Town Hall

townhall.virginia.gov

# Report on Comments and Objections Received to Fast-track Filing

1. The Code of Virginia requires that, where public objections to the use of the fast-track process reach ten or more, or where any member of the General Assembly files an objection to use of the fast-track process, the agency must notify the Registrar of Regulations about the objections, thus suspending the effective date of the fast-track regulation. The agency must also initiate a new proposed stage submission which allows an additional public comment period, converting its regulatory action into a standard regulatory process.

2. In most situations, however, fast-track regulations will not generate substantial public objections. In such situations, the Governor's Executive Order 14 (2010) requires regulatory agencies to "report to DPB and the Governor's Policy Office all comments and or objections received with respect to a fast-track rulemaking." This requirement applies to all fast-track actions on which any comment or objection is received by any means of communication, except for those being converted to standard processing. The intent of this requirement is to inform top decision-makers regarding issues that might generate complaints.

   When comments or objections fewer than ten are received on a fast-track regulation, the agency may proceed to file the fast-track with the Registrar, provided that it summarizes on Form TH-12 all comments and objections received on the fast-track and uploads this form on the Town Hall's Edit Stage page.

   Town Hall will send this information via e-mail to:

   (1) The Registrar of Regulations
   (2) Governor's Policy Office, c/o megan.root@governor.virginia.gov
   (3) DPB, c/o jeannine.rose@dpb.virginia.gov

*Within five business days of the close of the public comment period*, please enter the following information about the fast-track action and upload the form:

## Identifying Information and Number of Objections and Comments Received

| | |
|---|---|
| **VAC citation** | 23 VAC 10-210-940 |
| **Town Hall (TH) action/stage number** | Action 2197 / Stage 7436 |
| **Date fast-track regulation scheduled to become effective** | 9/12/2016 |

## Summary of Objections to Proceeding with the Fast-track Process

*Provide identifying information for each formal objection received and summarize any narrative content associated with each objection. Explain how the agency has responded to those objections. Delete unneeded rows or add more rows, as needed.*

| Objector Information (name, affiliation, title) | Summary of Objection | Summary of Agency Response to Objector, if Any |
|---|---|---|
| N/A | | |

## Summary of Comments Other than Objections

*Provide identifying information for each comment that was not a formal objection to continuing the fast-track process. Summarize each comment. Explain how the agency has responded to those comments. Delete unneeded rows or add more rows, as needed.*

| Commenter Information (name, affiliation, title) | Summary of Comment | Summary of Agency Response to Commenter, if Any |
|---|---|---|
| Brent Rawlings<br>V.P. & Gen. Counsel<br>Va.Hospital & Healthcare Association | Mr. Rawlings commented that Paragraph F.5 of the regulation is administratively burdensome.<br><br>This provision states that durable medical equipment qualifies for exemption only when specifically purchased for a specific individual. Medical providers and vendors must maintain documentation that the item was specifically purchased for the individual.<br><br>He requests that the Department consider alternative approaches and greater flexibility in demonstrating the application of the exemption to durable medical equipment.<br><br>(Also, he asks whether prosthetics are considered durable medical equipment for purposes of the documentation requirement.) | The Department will reach out to Mr. Rawlings to explain that this requirement is long-standing policy that is part of the current regulation and is required by Va. Code § 58.1-609.10(10), which allows the exemption for "prosthetic devices, . . . other durable medical equipment and devices . . . when such items or parts are purchased by or on behalf of an individual for use by such individual."<br><br>The Department will offer to work with Mr. Rawlings and the Department's auditors to better understand healthcare recordkeeping to determine if his concerns can be met while still meeting the requirements of the statutory exemption.<br><br>(Also, under the code section and the current and amended regulation, prosthetics are considered durable medical equipment and are subject to the documentation requirements of Paragraph F.5 of the regulation.) |

**Form: TH-12**

## Submitted by

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