



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-12
Regulation title	Public Participation Guidelines
Document preparation date	December 13, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

This regulation complies with the legislative mandate (Chapter 321, 2008 Acts of Assembly) that required agencies to adopt model public participation guidelines issued by the Department of Planning and Budget by December 1, 2008. The State Board of Social Services is the promulgating entity.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There are no alternatives, as this is a legislative mandate.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Committer	Comment	Agency response
V. Johnson	<p>This is not an easy subject to talk about because everything that went against protocol against evidence base practice happened to me. I had suffered so much over the years and especially after my adverse termination from state service. Emotional distress upon my family, friends and formal co-workers. An allege false (fraud) written notice of a group III sexual misconduct for relations with offenders that cost me my good moral integrity standards, relationships, monetary, retirement benefits, 10 year award, unemployment benefits, housing mortgage assistance and possible foreclosure.</p> <p>This had to be a hazard risk management enforcement of a stagetic plan for my life of personnel genocide. Where is the protection of my public health, safety and welfare? I was stressed out and notified my superiors according to policy, but I had to work mandatory overtime. My complaints of needed time off to recoup was denied. I had two mental breakdowns that could have been prevented.</p> <p>Who can correct the wrong that was done to me? I am a victim of sexual misconduct and got involuntary terminated for sexual misconduct. A written notice of just "sexual misconduct" is not justified and against law. It has to fall within the category of fraterization, abuse, assault, rape, etc. Under law as a certified Correctional Officer and a citizen; I have a right to defend myself; Freedom of Expression as an use of force continuum was used of protection to de-escalate a situation of possible endangerment.</p> <p>Evaluation theories of possible personality of unprofessional hypothesis of promiscuous defamation</p>	<p>The purpose of this regulation is to promote public involvement in the development, amendment or repeal of regulations. The comment does not apply to this regulation.</p>

	<p>per se as a victim of sexual misconduct of relations of offenders marked me as a target of evidence base practice of consistency of investigation against protocol turned abuse. I truly believe that family planning played a big role in the choice of participants that is authorized by a witness under oath. The most probable cause of involuntary separation is wrong and not based upon policy, procedure and law. The more than likely to be true, but hasn't any proof is not grounds of wrongful termination from state service.</p> <p>Security suppose to fall into a special category when it comes to the law and defense; but there wasn't any under due process</p>	
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Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation meets the criteria in EO 14 (2010). It provides the State Board of Social Services with an effective means of considering the health, safety and welfare of citizens, as they promulgate regulations. It is clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation remain in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, 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. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation, as it is mandated by legislation. The single comment received during the public comment period does not relate to this regulation. The regulation does not conflict with federal or state law or regulation. It was established in 2008 and is a model regulation for state agencies. The area affected by the regulation has not been impacted by technology or economic conditions since it was established. The regulation has a positive impact on small businesses, in that it promotes public involvement in the regulatory process.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation enhances and increases the opportunities for public participation in the process for development and promulgation of the State Board of Social Services' regulations. Thus, the Board has an effective means for considering the interest and concerns of families when promulgating and approving regulations. The regulation respects the authority and rights of parents in the education, nurturing, and supervision of their children. It has no negative impact on economic self-sufficiency, self-pride, the assumption of personal responsibility, family income, or marital commitment.