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Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12VAC5-191
Regulation title	State Plan for the Children with Special Health Care Needs Program
Date	4/3/18

This information is required pursuant to Executive Order 17 (2014).

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.

Section 32.1 – 12 of the Code of Virginia gives authority to the Virginia Department of Health (Board) to make, adopt, promulgate and enforce such regulations and provide for reasonable variances and exemptions as may be necessary to carry out the provisions of Title 32 of the Code of Virginia.

Section 32.1 – 77 authorizes the Board of Health to prepare, amend and submit to the U.S. Secretary of Health and Human Services state plans for maternal and child health services and children's specialty services pursuant to Title V of the United States Social Security Act.

Section 32.1 – 77 authorizes the State Health Commissioner to administer the plan and to receive and expend funds for the administration of the plan in accordance with applicable federal and state laws and regulations.

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.

No viable alternatives for achieving the purpose of the existing regulation could be determined. The regulation is administered in the least burdensome method possible.

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.

No comments were received during the public comment period following publication of the periodic review.

Effectiveness

Please 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.

The regulation meets the criteria set out in Executive Order 17 (2014) as it is necessary for the protection of public health, safety and welfare of children with special health care needs who reside in the Commonwealth of Virginia. The regulation is clearly written and understandable.

Result

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

VDH is recommending the regulation remain in effect without change. The regulation, in its current form, allows for the ongoing provision of services for children with special health care needs.

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 basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation, as it is essential to outline program services for children with special health care needs. Program services are provided through available appropriations under federal Title V funds to eligible Virginia residents.

No public comments were received.

The regulation is clearly written and easily understandable.

The regulation does not overlap, duplicate or conflict with any known federal or state law or regulation.

Regulations are evaluated on an ongoing basis and this regulation was last amended in January 2014. Retaining the regulation in its current form does not appear to cause an adverse economic impact on small businesses in the Commonwealth of Virginia.