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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Workers' Compensation Commission
Virginia Administrative Code (VAC) Chapter citation(s)	<u>16 VAC 30-50-110</u>
VAC Chapter title(s)	Rules of the Virginia Workers' Compensation Commission
Action title	Rules of the Virginia Workers' Compensation Commission
Final agency action date	August 11, 2026
Date this document prepared	September 24, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

Pursuant to the Workers' Compensation Act, 65.2-100 et seq., the Virginia Workers' Compensation Commission has the duty of adjudicating pneumoconiosis claims. In addition, the Commission's duty to administer the Act and adjudicate issues is enunciated in 65.2-201, "General duties and powers of the Commission" Subsection A of 65.2-201 provides in part that "The Commission shall make rules and regulations for carrying out the provisions of this title."

This is an amendment to an existing regulation: 16VAC30-50-110. Rule 10. X-ray Evidence for Coal Workers' Pneumoconiosis Claims. The amendment applies to the review of X-ray evidence for coal workers' pneumoconiosis claims by the Pulmonary Committee established under subsection C of 16VAC30-50-110. The amendment would add subsection D to 16VAC30-50-110 to include clarifying definitions and set forth the method to be used by the Pulmonary Committee for consensus classifications of chest radiographs in pneumoconiosis cases.

This action is an amendment to the Rules of the Workes' Compensation Commission and is exempt per Va. Code Sec. 2.2-4006(A)(17).

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). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."

There was not a specific mandate for this change. The change was needed to better define and bring clarity to the consensus classification process used by the Pulmonary Committee in its review of x-ray evidence in pneumoconiosis cases. In addition, it will enable the Commission to be more effective in fulfilling its mandate to provide neutral adjudication of contested pneumoconiosis claims.

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 11, 2026, the Virginia Workers' Commission voted to adopt this final amendment to 16VAC30-50-110. Rule 10. X-ray Evidence for Coal Workers' Pneumoconiosis Claims. The amendment will add subsection D to the regulation and will not change the title of the regulation.