

EMERGENCY
REGULATIONS OF THE VIRGINIA BOARD OF PHYSICAL THERAPY

18 VAC 112-10-10 et seq.

PUBLIC PARTICIPATION GUIDELINES

Part I.
Statement of Purpose.

18 VAC 112-10-10. Purpose.

The purpose of this chapter is to provide guidelines for the involvement of the public in the development and promulgation of regulations of the Board of Physical Therapy. The guidelines do not apply to regulations exempted or excluded from the provisions of the Administrative Process Act (§ 9-6.14:4.1.1 of the Code of Virginia).

18 VAC 112-10-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Administrative Process Act" means Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

"Board" means the Board of Physical Therapy.

"Person" means an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.

Part II.
Mailing List

18 VAC 112-10-30. Composition of the mailing list.

A. The board shall maintain a list of persons who have requested to be notified of the formation and promulgation of regulations.

B. Any person may request to be placed on the mailing list by indicating so in writing to the board. The board may add to the list any person it believes will serve the purpose of enhancing participation in the regulatory process.

C. The board may maintain additional mailing lists for persons who have requested to be informed of specific regulatory issues, proposals, or actions.

D. The board shall periodically request those persons on the mailing list to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable or there has been no response to the request from the board, such persons shall be deleted from the list.

18 VAC 112-10-40. Documents to be sent to persons on the mailing list.

Persons on the mailing list described in 18 VAC 112-10-30 shall be mailed the following documents related to the promulgation of regulations:

1. A notice of intended regulatory action.
2. A notice of the comment period on a proposed regulation and instructions as to how to obtain a copy of the regulation and any supporting documents.
3. A notification of the adoption of a final regulation and instructions as to how to obtain a copy of the regulation and any supporting documents.
4. A notice soliciting comment on a final regulation when the regulatory process has been extended.

Part III.
Public Participation Procedures.

18 VAC 112-10-50. Petition for rulemaking.

A. As provided in § 9-6.14:7.1 of the Code of Virginia, any person may petition the board to develop a new regulation or amend an existing regulation.

B. A petition shall include but need not be limited to the following:

1. The petitioner's name, mailing address, telephone number, and, if applicable, the organization represented in the petition.
 2. The number and title of the regulation to be addressed.
 3. A description of the regulatory problem or need to be addressed.
 4. A recommended addition, deletion, or amendment to the regulation.
-
-

- C. The board shall receive, consider and respond to a petition within 180 days.
- D. Nothing herein shall prohibit the board from receiving information from the public and proceeding on its own motion for rulemaking.

18 VAC 112-10-60. Notice of Intended Regulatory Action.

A. The Notice of Intended Regulatory Action (NOIRA) shall state the purpose of the action and a brief statement of the need or problem the proposed action will address.

B. The NOIRA shall indicate whether the board intends to hold a public hearing on the proposed regulation after it is published. If the board does not intend to hold a public hearing, it shall state the reason in the NOIRA.

C. If prior to the close of the 30-day comment period on the NOIRA, the board receives a request for a public hearing on the proposed regulation from at least 25 persons, such a hearing shall be scheduled.

18 VAC 112-10-70. Notice of Comment Period.

A. The Notice of Comment Period (NOCP) shall indicate that copies of the proposed regulation are available from the board and may be requested in writing from the contact person specified in the NOCP.

B. The NOCP shall indicate that copies of the statement of substance, issues, basis, purpose, and estimated impact of the proposed regulation may also be requested in writing.

C. The NOCP shall make provision for comments pertaining to the proposed regulation.

18 VAC 112-10-80. Notice of Meeting.

A. At any meeting of the board or advisory committee, at which the formation or adoption of regulation is anticipated, the subject shall be described in a notice of meeting and transmitted to the Registrar for inclusion in The Virginia Register.

B. If the board anticipates action on a regulation for which an exemption to the Administrative Process Act is claimed under § 9-6.14:4.1. of the Code of Virginia, the notice of meeting shall indicate that a copy of the regulation is available upon request at least two days prior to the meeting and that a copy of the regulation shall be made available to the public attending such meeting.

18 VAC 112-10-90. Public hearings on regulations.

The board shall conduct a public hearing during the 60-day comment period following the publication of a proposed regulation or amendment to an existing regulation, unless, at a noticed meeting, the board determines that a hearing is not required.

18 VAC 112-10-100. Review of regulations.

A. Unless otherwise directed by Executive Order, the board shall conduct an informational proceeding at least every two years to receive comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Such proceeding may be conducted separately or in conjunction with other informational proceedings or hearings.

C. Notice of the proceeding shall be transmitted to the Registrar for inclusion in The Virginia Register and shall be sent to the mailing list identified in 18 VAC 112-10-30.

Part IV.
Advisory Committees.

18 VAC 112-10-110. Appointment of committees.

A. The board may appoint an ad hoc advisory committee whose responsibility shall be to assist in the review and development of regulations for the board.

B. The board may appoint an ad hoc advisory committee to provide professional specialization or technical assistance when the board determines that such expertise is necessary to address a specific regulatory issue or need or when groups of individuals register an interest in working with the agency.

18 VAC 112-10-120. Limitation of service.

An advisory committee which has been appointed by the board may be dissolved by the board when:

1. There is no response to the Notice of Intended Regulatory Action, or
2. The board determines that the promulgation of the regulation is either exempt or excluded from the requirements of the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia).