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Fast-Track Regulation Agency Background Document

Agency name	Department for the Deaf and Hard of Hearing
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC20-20
VAC Chapter title(s)	Chapter 20. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Assistive Technology Equipment
Action title	Technology Assistance Program Regulation Reduction
Date this document prepared	10/14/25, updated 7/7/26

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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.

The agency will initiate a regulatory action that will amend an existing regulation. The amendments will update definitions and language to reflect the current terminology used at the agency and reduce discretionary regulations. The regulatory action will consolidate regulations, eliminate redundancies, eliminate regulations outlining outdated practices, clarify meaning, and eliminate sections that are null. The existing regulation governs the operation of the Technology Assistance Program (TAP) operated by VDDHH. The regulation outlines ownership of technology, eligibility requirements, charges for technology, the application process, and other general information regarding the TAP. These amendments will not impact the TAP's operating procedures. Together, these changes will result in a 26% reduction for the TAP discretionary regulations.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"VDDHH" - The Virginia Department for the Deaf and Hard of Hearing

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 October 14, 2025 the Department for the Deaf and Hard of Hearing adopted final amendments to the Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Assistive Technology.

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, 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."

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

This regulatory change was prompted by the discretion of the VDDHH Director.

This change is expected to be noncontroversial as the amendments do not impact TAP operations. The department has a guidance document that expands on the regulations.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The promulgating agency is the Virginia Department for the Deaf and Hard of Hearing (VDDHH). VDDHH was given this Statutory Authority in the Code of Virginia § 51.5-112. The code states "The Department shall have the following powers and duties: 8. To operate a program of technology assistance and services to encourage independence of persons who are deaf, hard-of-hearing, or speech impaired,

including the distribution of devices for the deaf and support of message relay services, through grants, contracts and other means, including a sliding fee scale where appropriate;” Further, § 51.5-112 of the Code of Virginia authorizes The Department “9. To adopt such regulations, consistent with this chapter, as may be necessary to carry out the purpose and intent of this chapter and other laws of the Commonwealth administered by the Director or the Department. Such regulations shall be binding on all officers, agents, and employees engaged in implementing the provisions of this chapter.”

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The purpose of this regulatory change is to reduce redundancies in information regarding TAP processes, and update language used to improve clarity for TAP applicants and recipients, as well as those who operate the TAP; including VDDHH staff and contractors.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

Language has been revised to reflect modern technology options and to account for future technological advancements that may become available to recipients. The application process for TAP has also been updated to note that applications are now accessible both online and in person.

Language has been updated to reflect that recipients are no longer required to return damaged technology to the vendor, nor must vendors certify that the technology is beyond repair. Additionally, the regulations now clarify that applications will be processed within 30 days of receipt by the Department. References to potential prosecution of recipients who engage in fraudulent activity to obtain technology have been removed. Although no longer explicitly stated in our regulations, ownership means recipients remain responsible for the technology.

Finally, the language has been clarified to state that responsibility for maintaining the confidentiality of award information rests solely with the Department and its contractors, not with applicants, recipients, or any non-government actors.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to those served by the TAP, including recipients, applicants, and potential applicants, is the updated language to reflect modern technology options and accounting for future advancements in technology; this allows for recipients to obtain these technologies and maintain communication access. The language encompasses the analog-to-digital transition in technology. The

remaining updates and reductions will clarify current TAP processes for recipients, those who have applied or are considering applying for services.

There are no noted disadvantages to the public or Commonwealth with these changes.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected.

Localities Particularly Affected

No localities are particularly affected.

Other Entities Particularly Affected

No other entities are particularly affected.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail;	VDDHH foresees no changes in projected costs, fees, savings, revenues or other economic impacts resulting from the proposed regulatory changes.
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b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	No other state agencies are impacted or affected by the proposed regulatory changes.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	VDDHH does not foresee the regulatory changes having an economic impact, the benefits of the changes will be non-monetary in nature.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	VDDHH foresees no changes in projected costs, fees, savings, revenues or other economic impacts resulting from the proposed regulatory changes.
Benefits the regulatory change is designed to produce.	VDDHH foresees no changes in projected costs, fees, savings, revenues or other economic impacts resulting from the proposed regulatory changes.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	N/A
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	N/A
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;	N/A

c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	
Benefits the regulatory change is designed to produce.	VDDHH does not foresee the regulatory changes having an economic impact, the benefits of the changes will be non-monetary in nature.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives were considered during the revision process as the changes do not create any additional burden, intrusion, or cost change.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

No alternative methods were considered. The changes to the chapter will not impact small businesses as the changes do not alter the TAP's operating procedures.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for

publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Department for the Deaf and Hard of Hearing is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Kathleen Frazier, 1602 Rolling Hills Drive, Suite 203, Henrico, VA 23229, phone: (804) 662-7025, kathleen.frazier@vddhh.virginia.gov, fax: (804)662-9718. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
22VAC20-20-10		Definitions	Updates to language to accurately reflect the terminology, technology, and processes used by TAP.
22VAC20-20-20		Ownership guidelines- Recipients are deemed the owner of their devices unless the agency paid over \$5,000 for the technology. There is a reduced requirement for information regarding family size if the Department maintains ownership of the device.	Language was reduced to streamline the meaning of the regulation. This will make ownership requirements clearer to applicants and recipients.

22VAC20-20-30		Eligibility requirements are outlined. The department will request and obtain information about the applicant including their hearing and vision status, and proof of residency. The department may request verification of income before determining if the recipient will be required to pay for the assistive technology. The applicant shall submit a completed and signed application.	Language was reduced to streamline the meaning of the regulation. This will make the application process and process to determine eligibility clearer to applicants.
22VAC20-20-40		Establishes a first come first serve approach for processing applications. The Department is required to provide an explanation of charges to the recipient. The threshold for receiving technology at no cost is established.	Repetitive language around providing an explanation of charges was eliminated. Language was updated to reflect that the poverty guidelines are updated annually, and to clarify that applicants only need to satisfy one of the two qualifications for receiving assistive technology at no cost.
22VAC20-20-50		The types of technology available through the TAP are outlined.	Language was revised to reflect modern technology options and to account for future technological advancements that may become available to recipients
22VAC20-20-60		It is established that applicants must obtain an application from the Department or authorized contractor and return it via mail. The Departments contact information is listed.	Language was revised to reflect that applications can now be completed and submitted online in addition to the option of completing a paper application. The requirement to mail the application was eliminated.
22VAC20-20-70		It is established that the Department shall approve all applications that meet eligibility criteria. The Department is given the authority to prioritize approved applicants that have not received assistive technology in the preceding 48 months, are applying for the first time, or are without functional technology if the Department is experiencing fiscal constraint. Criteria for instances where an	Language was updated to reflect the use of the term "pay coupon" instead of "coupon." Eligibility requirements to receive replacement assistive technology in the case of natural disaster were updated to reflect the Department's current practice that no longer requires 1) recipients to send damaged technology, nor 2) vendors to certify that the technology cannot be repaired.

		application should be denied are outlined. Eligibility requirements to receive replacement technology in the case of damage via natural disaster are outlined. Eligibility to receive technology before the four-year renewal window is established.	
22VAC20-20-80		The Department shall notify applicants if they were approved or denied within 30 calendar days of completing their application.	Language was updated to clarify that the 30 days begins when the Department receives the application. This change is to clarify the timeline in the instance that there is a period of time between when an application is completed and when the department receives the completed application.
22VAC20-20-90		The Department's right to demand the return of technology that is obtained fraudulently is established. The Department's right to prosecute any person who engages in said fraudulent activity is established.	The potential for prosecution was removed as the Department does not utilize this authority.
22VAC20-20-110		Establishes recipient's liability for repairing or replacing a device that is in their ownership.	Repealed - This section has been eliminated as it was determined this section was redundant, other sections contain the information detailed here.
22VAC20-20-120		Establishes the Department's responsibility to maintain confidential information regarding recipient's awards.	This language was updated to clarify the burden of confidentiality rests on the department and their contractors, not with applicants, recipients, or any non-government actors.