



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department for the Blind and Vision Impaired
VAC Chapter Number:	110
Regulation Title:	Regulations Governing Low Vision
Action Title:	Amend for Clarity & Update
Date:	01/04/2002

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package .

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

Enter Statement Here

The proposed action will delete the obsolete section that deals with using the Department's endowment funds as sponsorship for Low Vision services and requires consumer financial participation in the cost of low vision aids. The section dealing with driving with bioptics has been deleted. Also, language changes have been made to update and simplify terminology.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

Enter Statement Here

I hereby approve the foregoing Regulatory Review Summary. I certify that this final regulatory action has completed all the requirements of the Code of Virginia § 9-6.14:7.1, of the Administrative Process Act.

01/04/2002

W. Roy Grizzard, Jr., ED.D
Commissioner

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Enter Statement Here

Code of Virginia, [Sections 63.1-85\(7\)](#) mandates the Commissioner to promulgate regulations to carry out the provisions of this title. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed changes and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

Enter Statement Here

A review of the financial participation criteria determined that portions of this regulation were no longer necessary to protect the health, safety, or welfare of citizens or for the efficient and economical performance of an important governmental function. Programs within the Department are now funded to provide this service.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action’s detail.

Enter Statement Here

The Department’s endowment funds are no longer used to purchase low vision optical aids and the section specifying that those funds will be used must be amended to reflect this change.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term “issues” means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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, please include a sentence to that effect.

Enter Statement Here

There are no disadvantages to the public or the Commonwealth with the change in terminology or the elimination of endowment funds for this service.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

Enter Statement Here

There were no changes made to the text of the proposed regulation since its publication.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

Enter Statement Here

The Department received no comments during the public comment period.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

Enter Statement Here

Under Section 10, Definitions, Bioptics has been removed as it is only one of many low vision aids. Specifying all low vision aids becomes cumbersome and would require frequent revisions to the regulations as aids are added and deleted. Section 60, Driving with bioptics, has also been deleted for the same reason previously mentioned. Reference to "SSI" (Supplemental Security Income) has been deleted as it is not used by this program. Reference to case record in Section 20, Low Vision services referral has been deleted. Case records are maintained by the programs that refer a consumer for Low Vision services. Under Section 30, Eligibility, language added that eligibility for Low Vision services is determined by other department programs. Under Section 50, Financial participation, all references to endowment funds have been deleted. Endowment funds are no longer used for the purchase of low vision aids. The referring programs utilize program funding for same.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Enter Statement Here

Amending this regulation will have no impact on the institution of the family and family stability.