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Fast-Track Regulation Agency Background Document

Agency name	State Board of Local and Regional Jails
Virginia Administrative Code (VAC) Chapter citation(s)	6VAC15-40
VAC Chapter title(s)	Minimum Standards for Jails and Lockups
Action title	A. New regulation-Continuous quality improvement 6VAC15-40-115 B. Amend-Serious incident reports 6VAC15-40-110 C. New regulation-Legal Visits 6VAC15-40-685 D. Amend-Visiting opportunities 6VAC15-40-680 E. New regulation-Telehealth services 6VAC15-40-385 F. Repeal-Approved items that visitors may bring into facility 6VAC15-40-690 G. Repeal-Requirements of visitor registration and visitor searches 6VAC15-40-700
Date this document prepared	October 21, 20226

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 17 (2026) (EO 17), any instructions or procedures issued by the Department of Planning and Budget (DPB) pursuant to EO 17, the *Regulations for Filing and Publishing Agency Regulations* (1 VAC 7-10), and the *Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

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.

These regulations address the administration and operations of Virginia's local and regional jails and lockups, and the supervision of inmates in those facilities. These regulations must be met by successful achievement of specific requirements for facility certification, which ensures minimum compliance of jails and lockups throughout the Commonwealth.

- A. Continuous quality improvement
New regulation 6VAC15-40-115
This new regulation is mandated by [§53.1-5](#) Code of Virginia (COV) (For contingent expiration date, see Acts 2026, cc.992 and 1081, cl.3)
Powers and duties of the Board.
6... the requirement that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report to the Board shall be a mandatory minimum standard;
- B. Serious incident reports
Amend current regulation: [6VAC15-40-110](#) Serious incident reports.
Sets forth the requirement for local and regional jails to report serious incidents to the State Board of Local and Regional Jails (BLRJ) within a 24-hour timeframe.

The amendment to the regulation adds inmate assaults on staff resulting in serious injury or death to the criteria considered serious incidents. The goal is to clarify the reporting requirements and submission to BLRJ.
- C. Legal visits
New regulation: 6VAC15-40-685. Legal visits.
Sets forth the requirement for local and regional jails to maintain policies to ensure sufficient visiting opportunities for inmates and for attorneys to have confidential visits with inmates. This new regulation is mandated by §§ [53.1-5 \(8\)](#) COV (For contingent expiration date, see Acts 2026, cc. 992 and 1081, cl. 3) Powers and duties of Board. And [53.1-68](#) COV. Minimum standards for local correctional facilities and lock-ups; health inspections; behavioral health services inspections; and personnel; access to counsel for inmates in local, regional, or community correctional facilities.
- D. Visiting opportunities
Amend current regulation: [6VAC15-40-680](#). Visiting opportunities.
Written policy, procedure and practice shall ensure maximum visiting opportunities limited only by facility schedules, space, personnel constraints and inmate disciplinary status. Attorneys shall be permitted to have confidential visits with their clients.

The amended regulation expands upon the current regulation to identify specific requirements to be included in local and regional jails' visitation policies and procedures.
- E. Telehealth services
New regulation 6VAC15-40-385

The new regulation addresses telehealth services in local and regional jails.

Current: [6VAC15-40-380](#). Inmate access to medical services.
Written policy, procedure, and practice shall be developed whereby inmates shall be informed, at the time of admission to the facility, of the procedures for gaining access to medical services.
- F. *Repeal current [6VAC15-40-690](#). Approved items visitors may bring into facility:*
The facility shall have a posted list of approved items that visitors may bring into the facility.
Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in local and regional jails.

- G. Repeal current [6VAC15-40-700](#). Requirements of visitor registration and visitor searches: Written policy, procedure and practice shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in local and regional jails.

Acronyms and Definitions

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

State Board of Local and Regional Jails (BLRJ)
Continuous quality improvement (CQI)
Serious incident reports (SIRs)

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)].”

- A. September 9, 2026, the BLRJ approved the final new regulation, Continuous quality improvement. 6VAC15-40-115
- B. September 9, 2026, the BLRJ approved the final amended regulation, Serious incident reports. [6VAC15-40-110](#)
- C. July 15, 2026, the BLRJ approved the final new regulation, Legal visits. 6VAC15-40-685
- D. July 15, 2026, the BLRJ approved the final amended regulation, Visiting opportunities. [6VAC15-40-680](#)
- E. September 9, 2026, BLRJ approved the final new regulation, Telehealth services. 6VAC15-40-385

Mandate and Impetus

- 1) 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 EO 17, “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.” For changes in response to federal mandates, indicate the extent of discretion related to the proposed regulatory changes, the rationale for the changes, and briefly indicate how the federal mandate aligns with the best interest of public welfare.

- 2) *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.*
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- A. New regulation 6VAC15-40-115 Continuous quality improvement:
Statutory Authority: § [53.1-5](#) (6.) of the Code of Virginia (COV) requires local and regional jails submit a standardized quarterly continuous quality improvement report to the Board and there shall be a mandatory minimum standard.
- 1) In 2019, the General Assembly passed legislation to mandate BLRJ collect continuous quality improvement documentation from local and regional jails and post to the BLRJ website. BLRJ implemented this directive in January 2026.
- 2) The new regulation is not anticipated to be controversial, as BLRJ consulted with stakeholders in advance of implementation and BLRJ initiated collection in January 2026.
- B. Amend regulation [6VAC15-40-110](#) Serious incident reports:
Statutory Authority: § [53.1-5](#) COV authorizes BLRJ to develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities.
- 1) The amendment to the regulation adds inmate assaults on staff resulting in serious injury or death to the criteria considered serious incidents. Inmate assaults on staff resulting in serious injury or death is clearly an issue of public safety in local and regional jails and it is the intent of BLRJ to collect reports of such. An additional goal is to clarify the reporting procedure to require use of BLRJ's serious incident form to be submitted to the BLRJ email as specified on the BLRJ website.
- 2) The amended regulation is not anticipated to be controversial, as BLRJ consulted with stakeholders in developing the amended regulation.
- C. New regulation 6VAC15-40-685 Legal visits:
Statutory Authority: § [53.1-5](#) COV authorizes BLRJ to develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities.
- 1) In 2026, the General Assembly passed [HB126](#) to require BLRJ establish standards (§[53.1-68 D. 1.-3](#). COV to ensure attorney access to counsel. HB 126 requires BLRJ to establish such standards by January 1, 2027.
- 2) The new regulation is not anticipated to be controversial, as the legislation passed the General Assembly by majority votes in the House of Delegates and Senate.
- D. Amend current regulation [6VAC-15-40-680](#) Visiting opportunities:
1) In 2026, the General Assembly passed [HB126](#) to require BLRJ establish standards (§[53.1-68 D. 1.-3](#). COV to ensure attorney access to counsel. HB 126 requires BLRJ to establish such standards by January 1, 2027.
- 2) The new regulation is not anticipated to be controversial, as the legislation passed the General Assembly by majority votes in the House of Delegates and Senate.
- E. New regulation 6VAC15-40-385 Telehealth services.
Statutory authority: The new regulation is mandated by § [53.1-5. \(7.\)](#) COV (For contingent expiration date, see Acts 2026, cc. 992 and 1081, cl. 3) Powers and duties of Board. Minimum standards for local correctional facilities and lock-ups; health inspections; behavioral health

services inspections; and personnel; access to counsel for inmates in local, regional, or community correctional facilities.

1) In 2025, the General Assembly passed [SB1039](#) to require BLRJ “to develop and implement policies for the accommodation in local, regional, and community correctional facilities of inmate participation in telehealth appointments, which shall include policies on designating a private space for such telehealth appointments to occur;”

2) The new regulation is not anticipated to be controversial, as it passed the General Assembly by majority votes in the House of Delegates and Senate.

- F. Repeal [6VAC15-40-690](#). Approved items visitors may bring into facility:
The facility shall have a posted list of approved items that visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

1) This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in jails.

2) This repeal is not anticipated to be controversial, as the visitation regulations are addressed in the amended 6VAC15-40-680.

- G. Repeal [6VAC15-40-700](#). Requirements of visitor registration and visitor searches:
Written policy, procedure and practice shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

1) This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in jails.

2) This repeal is not anticipated to be controversial, as the visitation regulations are addressed in the amended 6VAC15-40-680.

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.

- A. Continuous quality improvement.

(1) State Board of Local and Regional Jails (BLRJ)

(2) § [53.1-5](#). (6) COV (For contingent expiration date, see Acts 2026, cc.992 and 1081, cl.3)
Powers and duties of the Board.

- B. Serious incident reports.

(1) State Board of Local and Regional Jails (BLRJ)

(2) § [53.1-68](#). COV Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.

- C. Legal visits.

- (1) State Board of Local and Regional Jails (BLRJ)
- (2) §53.1-68 D. 1.-3. COV Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.

D. Visiting opportunities.

- (1) State Board of Local and Regional Jails (BLRJ)
- (2) §53.1-68 D. 1.-3. COV Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.

E. Telehealth services.

- (1) State Board of Local and Regional Jails (BLRJ)
- (2) § 53.1-5 (7) COV Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.

F. Repeal current 6VAC15-40-690. *Approved items visitors may bring into facility:*

The facility shall have a posted list of approved items that visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in jails.

- (1) State Board of Local and Regional Jails (BLRJ)
- (2) §53.1-68 D. 1.-3. COV Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.

G. Repeal current 6VAC15-40-700. *Requirements of visitor registration and visitor searches:*

Written policy, procedure and practice shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in jails.

- (1) State Board of Local and Regional Jails (BLRJ)
- (2) §53.1-68 D. 1.-3. COV Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.

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.

A. 6VAC15-40-115 Continuous quality improvement.

- (1) The new regulation is necessary in order to comply with the General Assembly directive to collect quarterly reports of continuous quality improvement documentation in local and regional jails.
- (2) The new regulation contributes to the safety of inmates and staff in local and regional jails.
- (3) The new regulation is intended to improve accountability and transparency of services for inmates.

B. 6VAC15-40-110 Serious incident reports.

- (1) The amended regulation is necessary in order to ensure reports of inmate assaults on staff resulting in serious injury or death are submitted to BLRJ in a timely and successful manner.
- (2) The amended regulation contributes to the safety of inmates and staff in local and regional jails.
- (3) The amended regulation is intended to address inconsistencies in reporting serious incidents to BLRJ.

C. 6VAC15-40-685 Legal visits.

- (1) The new regulation is necessary in order to comply with the General Assembly mandate pursuant to §[53.1-68.D.\(1.-3.\)](#) COV.
- (2) The amended regulation contributes to the opportunity for inmates to access legal counsel.
- (3) The amended regulation is intended to improve inmate access to legal counsel.

D. 6VAC15-40-680 Visiting opportunities.

- (1) The amended regulation is necessary in order to comply with §§ [53.1-5](#) and [53.1-68 D. \(1-3\)](#) COV Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.
- (2) The amended regulation contributes to the safety of staff, inmates, and visitors in local and regional jails, by:
 - Providing maximum visiting opportunities while acknowledging limitations due to safety
 - Requiring procedures for visitation eligibility and registration
 - Identifying items visitors may bring into facilities.
- (3) The goal of the amended regulation is to improve consistency and transparency of policies for visitation in local and regional jails.

E. 6VAC15-40-385 Telehealth services.

- (1) The new regulation is necessary in order to comply with §§ [53.1-5](#) (7) Minimum standards for local correctional facilities and lock-ups; health inspections, behavioral health services inspections, and personnel; access to counsel for inmates in local, regional, or community correctional facilities.
- (2) The new regulation contributes to the health and safety of inmates by requiring local and regional jails that utilize telehealth services to:
 - Establish policies and procedures to accommodate inmate participation in telehealth service
 - Provide a private and secure space that ensures confidentiality
 - Provide functional equipment
 - Ensure HIPAA compliance
- (3) The new regulation is intended to improve inmate access to medical care.

F. Approved items visitors may bring into facility:

Repeal current [6VAC15-40-690](#).

The facility shall have a posted list of approved items that visitors may bring into the facility.

Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in jails.

G. Requirements of visitor registration and visitor searches:

Repeal current [6VAC15-40-700](#).

Written policy, procedure and practice shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in jails.

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.

A. 6VAC15-40-115 Continuous quality improvement.

The new regulation implements the General Assembly's intent to collect quarterly continuous quality documentation from local and regional jails.

B. 6VAC15-40-110 Serious incident reports.

The amended regulation adds an occurrence of inmate assault on staff resulting in serious injury or death to be reported to BLRJ. This is new criterion for serious incident reporting. It also requires local and regional jails to use BLRJ's serious incident report form for reporting and submission to the BLRJ email address specified on the BLRJ website.

C. 6VAC15-40-685 Legal visits.

- The substantive changes require BLRJ to promulgate regulations which ensure access to counsel, including access to attorneys, paralegals, investigators, and other legal staff, for inmates held in any local and regional jails, to include:
- Subject to safety, space, and resource constraints, inmates have in-person access to counsel in a confidential setting, with specific requirements;
- Public posting of policies and procedures for requesting and scheduling access to counsel;
- Denial or postponement of access to counsel be approved by a supervisor and accompanied by a rationale, in writing, of the denial.

D. 6VAC15-40-680 Visiting opportunities.

The substantive changes require local and regional jails to publicly post specific visitation policies. The amended regulation consolidates the intent and requirements of 6VAC15-40-680, Visiting opportunities, 6VAC15-40-690 Approved items visitors may bring into facility, and 6VAC15-40-700, Requirements of visitor registration and visitor searches.

E. 6VAC15-40-385 Telehealth services.

The new regulation requires local and regional jails that utilize telehealth services to establish policies and procedures for the safe delivery of such services.

F. Repeal current 6VAC15-40-690. Approved items visitors may bring into facility:

The facility shall have a posted list of approved items that visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in local and regional jails.

G. Repeal current 6VAC15-40-700. Requirements of visitor registration and visitor searches:

Written policy, procedure and practice shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

This regulation is repealed as a result of the amended regulation 6VAC15-40-680, which details procedures for visitation in local and regional jails.

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.

A. 6VAC15-40-115 Continuous quality improvement.

- (1) The new regulation benefits the public by providing information on local and regional jail documentation of delivery of health care services for inmates.
- (2) There are no disadvantages to the public or the Commonwealth as a result of this new regulation.

B. 6VAC15-40-110 Serious incident reports.

- (1) The amended regulation will assist local and regional jails to follow specific procedures for reporting serious incidents to BLRJ.
- (2) There are no disadvantages to the public or the Commonwealth as a result of this amended regulation.

C. 6VAC15-40-685 Legal visits.

- (1) The new regulation will assist inmates with access to legal counsel in a confidential setting.
- (2) There are no disadvantages to the public or the Commonwealth as a result of this new regulation.

D. 6VAC15-40-680 Visiting opportunities.

- (1) The amended regulation will assist citizens by providing consistent and transparent visitation policies in local and regional jails throughout the Commonwealth.
- (2) There are no disadvantages to the public or the Commonwealth as a result of this amended regulation.

E. 6VAC15-40-385 Telehealth services.

- (1) The new regulation will assist inmates and staff to accommodate telehealth services. For inmates, it will increase access to medical care. For staff, it may alleviate operational issues, i.e. transporting inmates to medical appointments.
- (2) There are no disadvantages to the public or the Commonwealth as a result of this new regulation.

F. Repeal current [6VAC15-40-690](#). Approved items visitors may bring into facility:

- (1) The repeal of this regulation follows the intent of the amended regulation 6VAC15-40-680 Visiting opportunities.
- (2) There are no disadvantages to the public or the Commonwealth as a result of the repeal of this regulation.

G. Repeal current [6VAC15-40-700](#). Requirements of visitor registration and visitor searches:

- (1) The repeal of this regulation follows the intent of the amended regulation 6VAC15-40-680 Visiting opportunities.
- (2) There are no disadvantages to the public or the Commonwealth as a result of the repeal of this regulation.

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.

- A. 6VAC15-40-115 Continuous quality improvement.
There are no applicable federal requirements, or no requirements that exceed applicable federal requirements.
- B. 6VAC15-40-110 Serious incident reports.
There are no applicable federal requirements, or no requirements that exceed applicable federal requirements.
- C. 6VAC15-40-685 Legal visits.
There are no applicable federal requirements, or no requirements that exceed applicable federal requirements.
- D. 6VAC15-40-680 Visiting opportunities.
There are no applicable federal requirements, or no requirements that exceed applicable federal requirements.
- E. 6VACV15-40-385 Telehealth services.
There are no applicable federal requirements, or no requirements that exceed applicable federal requirements.
- F. 6VAC15-40-690 Approved items visitors may bring into facility.
There are no applicable federal requirements, or no requirements that exceed applicable federal requirements.
- G. 6VAC15-40-700 Requirements of visitor registration and visitor searches.
There are no applicable federal requirements, or no requirements that exceed applicable federal requirements.

Identification of Affected Parties

Use the tables below to indicate all Individuals and Entities affected by this regulatory change, either directly or indirectly. The effect could be positive (benefit) or negative (cost). Complete each row:

- If available information indicates that a party is not affected, report **"none"** in the appropriate row.
- If no information exists, report **"unknown"** in the appropriate row.

For Table 3: Per § 2.2-4007.04, "particularly affected" means any party that bears an "identified disproportionate material impact" that would not be experienced by similar parties. For example, this could be an affected entity that is likely to have a substantially different impact than other affected entities.

Table 1: Directly Affected Parties	
Affected Parties	Number and Description (Type or Name)
Individuals	unknown
Other State Agencies	A. Continuous quality improvement: None

	B. Amend Serious incident reports: None C. Legal visits: None D. Amend Visiting opportunities: None E. Telehealth services: None F. Repeal current 6VAC15-40-690 Approved items visitors may bring into facility: None G. Repeal current 6VAC15-40-700 Requirements of visitor registration and visitor searches: None
Entities:	
• Localities	A. Continuous quality improvement: All local and regional jails in the Commonwealth. B. Serious incident reports: All local and regional jails in the Commonwealth. C. Legal visits: All local and regional jails in the Commonwealth. D. Visiting opportunities: All local and regional jails in the Commonwealth. E. Telehealth services: All local and regional jails in the Commonwealth. F. Repeal current 6VAC15-40-690 Approved items visitors may bring into facility: All local and regional jails in the Commonwealth. G. Repeal current 6VAC15-40-700 Requirements of visitor registration and visitor searches: All local and regional jails in the Commonwealth.
• Small Businesses	unknown
• Other Businesses	unknown
• Other Entities	A. Continuous quality improvement: health care providers, inmates and public. B. Serious incident reports: inmates and public. C. Legal visits: legal counsel and inmates. D. Visiting opportunities: inmates and public. E. Telehealth services: health care providers, inmates and public. F. Repeal current 6VAC15-40-690 Approved items visitors may bring into facility: inmates and public. G. Repeal current 6VAC15-40-700 Requirements of visitor registration and visitor searches: inmates and public.

Table 2: Indirectly Affected Parties

<i>Affected Parties</i>	<i>Number and Description (Type or Name)</i>
Individuals	unknown
Other State Agencies	unknown
Entities:	
• Localities	unknown
• Small Businesses	unknown
• Other Businesses	unknown
• Other Entities	unknown

Table 3: Particularly Affected Parties

Are any of the parties listed in Tables 1 or 2 "particularly affected" (Yes, No, or Unknown). If yes, describe all affected parties and why they are particularly affected:

Yes, all sheriffs, superintendents, and jail administrators are particularly affected by the requirements of 6VAC15-40 in the administration of their local and regional jails.

Benefits and Costs

For Tables 4 and 5, complete each row:

- If available information indicates that no benefits or costs are anticipated for a party, report **“none”** in the appropriate row.
- If no information exists, report **“unknown”** in the appropriate row.

Benefits Resulting from Changes

Consistent with § 2.2-4007.04 of the Code of Virginia, use Table 4 to describe all regulatory changes that are anticipated to have benefits. Include benefits that apply to directly and indirectly affected parties, as reported in Tables 1 and 2.

When describing a particular benefit, specify which new or changed requirement creates the benefit. Keep in mind that this is a benefit from the proposed change versus the status quo. Exclude changes that merely improve clarity, formatting, or terminology.

Table 4: Benefits Resulting from Changes	
Affected Parties	Description of Regulatory Change(s) and Resulting Additional Benefit(s)
Individuals	unknown
Other State Agencies	unknown
Entities:	
• Localities	A. Continuous quality improvement: The new regulation is designed to fulfill requirements of the Code of Virginia. It is anticipated to improve accountability and transparency of services for inmates in local and regional jails. B. Serious incident reports: The amended regulation is designed to improve data collection of inmate assault on staff resulting in serious injury or death and to streamline the submittal process to BLRJ. C. Legal visits: The new regulation is designed to improve inmate access to legal counsel. D. Visiting opportunities: The amended regulation is designed to provide consistent and transparent visitation policies in local and regional jails throughout the Commonwealth. E. Telehealth services: The new regulation is designed to provide additional options for inmate medical care. F. Repeal current 6VAC15-40-690: To reduce duplication/redundancy of regulatory requirements. G. Repeal current 6VAC15-40-700: To reduce duplication/redundancy of regulatory requirements.
• Small Businesses	unknown
• Other Businesses	unknown
• Other Entities	A. Continuous quality improvement: benefits local and regional jails by sharing best practices and challenges for improvement. B. Serious incident reports: local and regional jails. C. Legal visits: inmates and legal counsel. . D. Visiting opportunities: inmates and public. E. Telehealth services: health care providers, inmates, and public.

	F. Repeal current 6VAC15-40-690 Approved items visitors may bring into facility: Visitors to all local and regional jails in the Commonwealth. G. Repeal current 6VAC15-40-700 Requirements of visitor registration and visitor searches: Visitors to all local and regional jails in the Commonwealth.
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Costs Resulting from Changes

Consistent with § 2.2-4007.04 of the Code of Virginia, use Table 5 to describe all regulatory changes that are anticipated to have costs. Include costs that apply to directly and indirectly affected parties, as reported in Tables 1 and 2.

When describing a particular cost, specify which new or changed requirement creates the cost. Keep in mind that this is a cost from the proposed change versus the status quo. Exclude changes that merely improve clarity, formatting, or terminology.

Table 5: Costs Resulting from Changes	
Affected Parties	Description of Regulatory Change(s) and Resulting Additional Costs(s)
Individuals	N/A
Other State Agencies	N/A
Entities:	
Localities	A. Continuous quality improvement: N/A B. Serious incident reports: N/A C. Legal visits: The costs or savings to local and regional jails are unknown. It will be the responsibility of each local and regional jail to adapt to the requirements of the new regulation. D. Visiting opportunities: The costs or savings to local and regional jails are unknown. It will be the responsibility of each local and regional jail to adapt to the requirements of the amended regulation. E. Telehealth services: The costs or savings to local and regional jails are unknown. It will be the responsibility of each local and regional jail to adapt to the requirements of the new regulation. F. Repeal current 6VAC15-40-690: N/A G. Repeal current 6VAC15-40-700: N/A
Small Businesses	N/A
Other Businesses	N/A
Other Entities	N/A

Impact on Your Agency

In Table 6, indicate the overall benefits and costs to your agency resulting from this regulatory action, compared to the status quo. Complete each row.

Table 6: Benefits and Costs for Your Agency
Projected benefits
Are changes expected in any savings or revenues (either one-time or on-going)? (Yes, No, or Unknown). If yes, provide a brief explanation:

No
Are changes expected in other (non-monetary) benefits? (Yes, No, or Unknown). If yes, describe any other (non-monetary) benefits:
No
<i>Projected costs</i>
Are changes expected in any expenditures (either one-time or on-going)? (Yes, No, or Unknown). If yes, provide a brief explanation:
BLRJ currently lacks resources to dedicate one individual team member to the CQI efforts of data collection and analysis. Currently, one BLRJ team member is assigned this activity in addition to their full-time BLRJ responsibilities as jail death investigator.
Can any costs or revenue loss be absorbed by existing resources? (Yes, No, or Unknown).
Unknown

Other Impacts per § 2.2-4007.04

In Table 7, report the specific benefits and costs expected to result from this regulatory change compared to the status quo. Complete each row.

Table 7: Other Impacts Addressed by § 2.2-4007.04
Are changes in the use & value of private property expected? (Yes, No, or Unknown). If yes, describe: the impact, any entities likely to be affected, and the change(s) causing the impact:
No
Are changes in the development of real estate for commercial or residential purposes expected? (Yes, No, or Unknown). If yes, describe: the impact, any entities likely to be affected, and the change(s) causing the impact:
No
Are changes in employment expected? (Yes, No, or Unknown). If yes, describe the expected change in the number of persons and the types of employment positions affected:
BLRJ currently lacks resources to dedicate one individual team member to the CQI efforts of data collection and analysis. Currently, one BLRJ team member is assigned this activity in addition to their full-time BLRJ responsibilities as jail death investigator.
For changes affecting Localities only: for any affected Locality, are there sources of potential funds to comply with the changes? (Yes, No, or Unknown). If yes, describe the sources of potential funds:
Unknown

For changes affecting Small Businesses only: for any affected Small Business, are there projected reporting, recordkeeping, and other administrative costs, including any necessary professional skills to prepare documents? (**Yes, No, or Unknown**). If yes, describe these costs and skills:

Unknown

Alternatives to Regulation

Consistent with §§ 2.2-4007.04 and 2.2-4007.1 B of the Code of Virginia: for any regulatory change that affects small businesses, describe:

1. *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; and*
2. *Any less intrusive or less costly alternative methods of achieving the purpose of the regulatory change.*

A. Continuous quality improvement:

- 1) No viable alternative would accomplish the intent of the new regulation.
- 2) No less intrusive or less costly alternative methods would accomplish the intent of the new regulation.

B. Serious incident reports:

- 1) No viable alternative would accomplish the intent of the amended regulation.
- 2) No less intrusive or less costly alternative methods would accomplish the intent of the amended regulation.

C. Legal visits:

- 1) No viable alternative would accomplish the intent of the new regulation.
- 2) No less intrusive or less costly alternative methods would accomplish the intent of the new regulation.

D. Visiting opportunities:

- 1) No viable alternative would accomplish the intent of the amended regulation.
- 2) No less intrusive or less costly alternative methods would accomplish the intent of the amended regulation.

E. Telehealth services:

- 1) No viable alternative would accomplish the intent of the new regulation.
- 2) No less intrusive or less costly alternative methods would accomplish the intent of the new regulation.

F. Repeal current 6VAC15-40-690:

- 1) No viable alternative would accomplish the intent of the repeal.
- 2) No less intrusive or less costly alternative methods would accomplish the intent of the repeal.

G. Repeal current 6VAC15-40-700: No viable alternative would accomplish the intent of the repeal of the regulation.

- 1) No viable alternative would accomplish the intent of the repeal.
- 2) No less intrusive or less costly alternative methods would accomplish the intent of the repeal.

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.

- A. Continuous quality improvement: The new regulation is not anticipated to impact small businesses.
- B. Serious incident reports: The amended regulation is not anticipated to impact small businesses.
- C. Legal visits: The new regulation is not anticipated to impact small businesses.
- D. Visiting opportunities: The amended regulation is not anticipated to impact small businesses.
- E. Telehealth services: The new regulation is not anticipated to impact small businesses.
- F. Repeal current 6VAC15-40-690: The repeal of the regulation is not anticipated to impact small businesses.
- G. Repeal current 6VAC15-40-700: The repeal of the regulation is not anticipated to impact small businesses.

Public Participation

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.

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.

The State Board of Local and Regional Jails (BLRJ) 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 or email to Mary-Huffard Kegley, Policy Analyst, BLRJ, 6900

Atmore Drive, Richmond, VA 23235; 804-887-9589; mary-huffard.kegley@vadoc.virginia.gov. In order to be considered, comments must be received by 11:59 p.m. on the last day of the public comment period.

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.

Detail of Changes

List all regulatory changes and the consequences of the changes. For any applicable table:

- 1) Enter the current Chapter and Section number. If the existing VAC Chapter(s) or sections are being repealed and replaced, include both the current and the new number for each current and replacement section.
- 2) Provide a summary explanation of the current requirements and what they mean. **DO NOT quote the text of the current regulation.**
- 3) Provide a summary explanation of the new requirements and what they mean. 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. **DO NOT quote the text of the new regulation.**

Use all tables that apply **but delete tables that are not used.**

Table 8: Amending or Repealing Existing VAC Chapter(s)

If an existing VAC Chapter(s) is being amended or repealed, use Table 8 to describe the changes between the existing VAC Chapter(s) and the proposed regulation.

Current (and New) Chapter - Section number	SUMMARIZE (do not quote) current requirements in the VAC	Change, intent, rationale, and likely impact of new requirements
6VAC15-40-110	Serious incident reports: 24-hour reporting serious incidents to BLRJ using specific procedure	The amended regulation adds inmate assaults on staff resulting in serious injury or death as criteria for serious injury reporting to BLRJ.
6VAC15-40-680	Visiting opportunities: Written policy, procedure and practice shall ensure maximum visiting opportunities limited only by facility schedules, space, personnel constraints and inmate disciplinary status. Attorneys shall be permitted to have confidential visits with their clients.	The amended regulation contributes to the safety of staff, inmates, and visitors in local and regional jails, by: (1) Providing maximum visiting opportunities while acknowledging limitations due to safety (2) Requiring procedures for visitation eligibility and registration (3) Identifying items visitors may bring into facilities
6VAC15-40-690	Repeal 6VAC15-40-690. Approved items visitors may bring into facility: The facility shall have a posted list of approved items that visitors may bring into the facility. Items brought into the facility by visitors for	This regulation is repealed as a result of the new regulation 6VAC15-40-682, which details legal visits with inmates, as required by §53.1-68 D. 1.-3. COV.

	inmates shall be subject to inspections and approval.	
6VAC15-40-700	Repeal 6VAC15-40-700. Requirements of visitor registration and visitor searches: Written policy, procedure and practice shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.	This regulation is repealed as a result of the new regulation 6VAC15-40-682, which details legal visits with inmates, as required by §53.1-68 D. 1.-3. COV.

Table 9a: Promulgating New VAC Chapter(s) without Repeal and Replace

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 9a. If any other regulations and laws apply to a given section, also include Table 9b (a range of sections can be reported on the same row if the same regulations or laws apply).

New Chapter-Section number	New requirements to be added to VAC	Change, intent, rationale, and likely impact of new requirements
6VAC15-40-115	Continuous quality improvement: Local and regional jails and community correctional facilities submit quarterly continuous quality improvement report documenting delivery of health care services to BLRJ.	The intent and likely impact of the new regulation is to provide transparency and to potentially improve access to care for inmates.
6VAC15-40-685	Legal visits: BLRJ to promulgate regulations which ensure access to counsel, including access to attorneys, paralegals, investigators, and other legal staff, for inmates held in any local, regional, or community correctional facility, to include: (1) Subject to safety, space, and resource constraints, inmates have in-person access to counsel in a confidential setting, with specific requirements; (2) Public posting of policies and procedures for	The intent and likely impact of the new regulation is to improve inmate access to legal counsel.

	requesting and scheduling access to counsel; (3) Denial or postponement of access to counsel be approved by a supervisor and accompanied by a rationale, in writing, of the denial.	
6VAC15-40-385	Telehealth services: § 53.1-5. (7.) requires BLRJ to develop policies for inmate participation in telehealth appointments.	The intent and likely impact of the new regulation is to improve inmate access to medical care.

Table 9b: Promulgating New VAC Chapter(s) without Repeal and Replace (addendum)

New Chapter-Section number(s)	List any other regulations and laws that apply

Table 10: Changes that Are Not in the Emergency Regulation

If the regulatory change is replacing an **emergency regulation**:

- If the proposed regulation is identical to the emergency regulation, complete Table 8 and/or Table 9, as applicable, but do not complete Table 10.
- If the proposed regulation is not identical to the emergency regulation, also complete Table 10 to describe the changes that are not in the emergency regulation.

Current (and New) Chapter-Section number	SUMMARIZE (do not quote) current <u>emergency</u> requirements	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage