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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12 VAC5-410
VAC Chapter title(s)	Regulations for the Licensure of Hospitals in Virginia
Action title	Amend Regulation after Enactment of Chapters 296, 297, 320, 555, and 556 of the 2026 Acts of Assembly
Final agency action date	8/1/2026
Date this document prepared	7/1/2026

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.

The purpose of this final action is to amend the Regulations for the Licensure of Hospitals in Virginia (12VAC5-410) to reflect several recent changes in the Code of Virginia, including § 2.2-3705.5, § 18.2-251.1:2., and § 32.1-127. This regulatory action implements the provisions of Chapter 296, 297, 320, 555, and 556 of the 2026 Acts of Assembly. These legislatively mandated provisions are being enacted without added discretion by the Board.

Chapter 296 and 297 of the 2026 Acts of Assembly allows hospitals with a psychiatric emergency department located in the City of Hampton to operate without a physically present physician, provided the hospital meets provided they meet safety, staffing, and oversight requirements. To qualify, facilities must maintain Emergency Medical Services and transfer agreements, ensure physician video-consult availability, have a physician medical director with onsite clinical oversight, and licensed providers who

are trained in Advanced Cardiovascular Life Support and Pediatric Advanced Life Support training, and basic emergency stabilization.

Chapter 320 of the 2026 Acts of Assembly expands hospital reporting requirements by requiring all hospitals with an emergency department to report threats or acts of violence against healthcare providers on the hospital's premises, with specific requirements regarding reporting and posting of data on incidents of threats or acts of violence.

Chapter 555 and Chapter 556 of the 2026 Acts of Assembly permits hospital staff who are permitted to handle medications to also store, dispense, or administer cannabis oil to any patient or resident who has a valid medical cannabis certification in accordance with § 4.1-1601.

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."

The mandates for these changes are found in Chapters 296, 297, 320, 555, and 556 of the 2026 Acts of Assembly.

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 1, 2026, the State Health Commissioner approved the Final Exempt amendment to 12VAC5-410, Regulations for the Licensure of Hospitals in Virginia, on behalf of the State Board of Health while the Board was not in session.