



**Virginia  
Regulatory  
Town Hall**

**Periodic Review and  
Notice of Intended Regulatory Action  
Agency Background Document**

<b>Agency Name:</b>	State Board of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-11
<b>Regulation Title:</b>	Public Participation Guidelines
<b>Action Title:</b>	Provide for Electronic Comment
<b>Date:</b>	June 19, 2002

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

**Summary**

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation sets forth the procedures the State Board of Social Services uses to obtain public input when developing, revising or repealing a regulation. This regulation covers the following topics: petitions from interested parties, solicitation of input, public hearings, and withdrawal of regulations.

**Basis**

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or*

*discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

Section 2.2-4007 D. of the Code of Virginia mandates that the Department of Social Services promulgate this regulation. § 63.1-25 of the Code of Virginia vests the State Board of Social Services with the authority to promulgate regulations for programs administered and supervised by the Department of Social Services.

## Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.*

A notice of public comment was published in The Virginia Register on May 20, 2002. Public comment was received from the date of publication until June 9, 2002.

One comment was received. Mr, Ben Owen, the director of the King William Department of Social Services, offered comments on behalf of the Virginia League of Social Services Executives. Mr. Owen commented, "Adding language facilitating notification of local DSS directors of proposed regulatory action via email and specifically including electronic communication as a means of providing public comment are actions that will bring the regulations into line with current practice. We appreciate your efforts in this area."

## Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

This regulation ensures that the public may participate in the formation and development of regulations of the Department of Social Services and the State Board of Social Services. This is accomplished by requiring:

- 1.) the establishment and maintenance of list of interested persons,
- 2.) use of ad hoc advisory groups or standing advisory committees,
- 3.) publication of notices of proposed regulations in a newspaper of general circulation, and
- 4.) a time for public comment on regulations at all regularly scheduled meetings of the State Board of Social Services.

## Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

This regulation is specifically mandated by § 2.2-4007 D. of the Code of Virginia. Other alternatives are not an option.

## Recommendation

*Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.*

The State Board of Social Services recommends that this regulation be amended in order to expand public participation in the promulgation and approval of its regulations.

## Substance

*Please detail any changes that would be implemented.*

Editorial changes will be made throughout the regulation to improve clarity. Code of Virginia citations will be corrected to reflect the recodification of Title 2.2 and Title 63.2 of the Code.

Section 22 VAC 40-11-40 will be amended to reflect the provisions of Chapter 241, 2002 Acts of Assembly.

Section 22 VAC 40-11-50 will be amended to provide for electronic transmission of information to include e-mail notifications, receiving public comment by e-mail and use of the internet for dissemination and collection of comment on regulatory actions. This section will also be revised to reflect the the statutory changes of Chapter 717, 1995 Acts of Assembly which make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

## Family Impact Statement

*Please provide a preliminary analysis of the proposed regulatory action that assesses the potential 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.*

The suggested amendments to this regulation will enhance and increase the opportunities for public participation in the process for development and promulgation of the State Board of Social Services' regulations. Thus, the Board will have better means for considering the interest and concerns of families when promulgating and approving regulations. This suggested regulatory action respects the authority and rights of parents in the education, nurturing, and supervision of their children. It has no negative impact on economic self-sufficiency, self-pride, the assumption of personal responsibility, family income, or marital commitment.