



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12VAC5-11
<b>Regulation title</b>	Public Participation Guidelines
<b>Document preparation date</b>	April 9, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

The regulation is promulgated under the authority of §32.1-12 and §2.2-4007.02 of Chapter 40 of Title 2.2 of the Code of Virginia (Code). Section 32.1-12 grants the Board of Health the legal authority "to make, adopt, promulgate, and enforce such regulations necessary to carry out the provisions of Title 32.1 of the Code." Section 2.24007.02 requires public participation guidelines for soliciting the input of interested parties in the formation and development of an agency's regulations to be developed, adopted, and used by each agency.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

The regulation is clearly and directly mandated in law. The regulation honors the Department's statutory charge and is the least burdensome alternative for adequately addressing the mandate of the law.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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No public comments were received.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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The regulation meets the criteria set out in Executive Order 14 (2010) as it is clearly mandated by law; is clearly written and easily understandable.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The Department of Health is recommending that the regulation remain in effect without change at this time.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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There is a continued need for the regulation as it is mandated by law. The Department has not received any complaints or comments concerning the regulation from the public. The regulation is clearly written and easily understandable and the Department is confident based on this most recent review that the regulation does not overlap, duplicate or conflict with federal or state law or regulation. The agency has determined that the regulation should be retained as is. There is no known economic impact of these regulations on small businesses.

**Family impact**

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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The regulation does not directly impact the institution of the family or family stability.