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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	12 VAC5-217
<b>VAC Chapter title(s)</b>	Regulations of the Patient Level Data System
<b>Date this document prepared</b>	October 17, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

DBHDS – Department of Behavioral Health and Developmental Services

VHI- Virginia Health Information

Board- Virginia Department of Health

## 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 or 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.*

§32.1-12 of the Code of Virginia authorizes the Board to make, adopt, promulgate and enforce such regulations and provide for reasonable variances and exemptions that may be necessary to carry out the provisions of Title 32.1 and other laws of the Commonwealth administered by the Board, the State Health Commissioner, or the Department of Health.

§ 32.1-276.6 directs the Board to promulgate regulations specifying the format for submission of outpatient data pursuant to

**Alternatives to Regulation**

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

There are no other viable alternatives other than the proposed amendments to simplify the current regulations to be less burdensome, while also continuing to fulfill the board’s statutory mandate to protect the citizens of the Commonwealth. The patient-level discharge data submitted to VHI does not include all of the patient level data currently required where applicable and included on the standard claim forms. Specifically, the Appropriations Act requires inpatient hospitals to report the admission source of individuals meeting criteria for voluntary or involuntary psychiatric commitment. Collecting this information will permit DHBDS to study the distribution of involuntary psychiatric admissions throughout the community hospital system, with the goal of developing strategies to alleviate the high census at state psychiatric hospitals.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

No comments were received from the public. 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.

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This action is being used to conform the regulations to the provision of Chapter 552 of the 2021 Special Session I, Item 307(D1). The advantage to the public and the Commonwealth is that the regulations are in compliance with legislative changes enacted by the 2021 General Assembly and will provide helpful information regarding inpatient psychiatric admissions. There are no disadvantages to individual private citizens or businesses not subject to the regulation, the agency, or the Commonwealth. The primary disadvantages to the regulated community are the projected costs of implementing the requirements of the regulations and additional workflows required to complete the new fields.

## Decision

*Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

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The Board will amend these regulations to better align with current practice, update existing regulatory language to conform to the form and style requirements of the Virginia Registrar of Regulations, and identify opportunities for regulatory reduction, while continuing to fulfill the Board's statutory mandate to protect the citizens of the Commonwealth. This regulatory action is the least burdensome method identified to conform to the Regulations for Inpatient Data Reporting to Chapter 552 Item 307(D1) of the 2021 Acts of Assembly Special Session I.

## Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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The proposed amendments will conform the regulations to current practice and therefore may have an impact on affected entities. All Virginia-licensed hospitals are required to submit acute discharges. There is a cost for hospitals associated with submitting this data. Hospitals incur internal costs and may incur vendor costs as well as costs from VHI for data processing if the submission does not meet a 95% accuracy rate. There are approximately 102 licensed hospitals in the Commonwealth. The licensed hospitals in the Commonwealth consist of some being independently owned (private) and operated with less than 500 full-time employees having a gross annual sales of less than \$6 million.