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

<b>Agency name</b>	Virginia Department for Aging and Rehabilitative Services (DARS)
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	22 VAC30-11
<b>VAC Chapter title(s)</b>	Public Participation Guidelines
<b>Date this document prepared</b>	February 10, 2025

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.*

Agency = Department for Aging and Rehabilitative Services  
PPG = Public Participation Guidelines

## 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.*

Section 2.2-4007.02 of the Code of Virginia requires public participation guidelines (PPGs) "for soliciting the input of interested parties in the formation and development of its regulations shall be developed,

adopted, and used by each agency pursuant to the provisions of this chapter.” An agency’s PPGs “...shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency, to include an online public comment forum on the Virginia Regulatory Town Hall, or other specially designated subordinate and (ii) be accompanied by and represented by counsel or other representative.”

In addition, § 51.5-131 of the Code of Virginia authorizes the Commissioner of DARS to promulgate regulations necessary to carry out the provisions of the laws of the Commonwealth administered by DARS.

**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 alternatives for achieving the purpose of this regulation. This regulation is required by the Code of Virginia.

**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.*

Commenter	Comment	Agency response
NA	NA	NA

**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.*

The agency’s public participation guidelines afford interested persons an opportunity to submit data, views, and arguments, either orally or in writing, to the agency, including an online public comment forum on the Virginia Regulatory Town Hall, and other specially designated subordinate; and interested persons may be accompanied by and represented by counsel or other representative.

This regulation is clearly written. This regulation meets the criteria set out in Executive Order 19, as it is necessary for the protection of public health, safety, and welfare and is clearly written and easily understandable. There is no negative impact on the regulated community and the regulation does not overlap, duplicate, or conflict with federal or state law or regulation.

**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 periodic review determined that the regulation should be retained as is.

**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 regulation is necessary to comply with § 2.2-4007.02 of the Code of Virginia and to provide opportunities for input from interested parties regarding the formation and development of regulations.

DARS has not received any complaints or concerns about the regulatory chapter, and the regulation is written clearly and is easy to understand.

This regulation does not overlap, duplicate, or conflict with any federal or state law or regulation. This regulation was last reviewed January 2021.

There is no anticipated economic impact on small businesses.

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