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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board for Contractors
Virginia Administrative Code (VAC) citation(s)	18 VAC 50-30
Regulation title(s)	Board for Contractors Individual License and Certification Regulations
Action title	Amending Requirements for Education Providers
Date this document prepared	April 13, 2015

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

The Board for Contractors seeks to amend the current requirements for the approval of vocational training and continuing education providers, courses, and instructors.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and(2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

Section 54.1-1102 of the Code of Virginia provides the authority for the Board to promulgate regulations for the licensure of contractors and tradesmen in the Commonwealth. The content of the regulations is pursuant to the Board’s discretion, but shall not be in conflict with the purposes of the statutory authority.

Purpose

Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

During the past two years the Board for Contractors has reviewed its education requirements for vocational training and continuing education providers. As part of a workgroup organized by the Board for the purposes of reviewing the education standards, several recommendations were made to the Board that included the regular review or course content, audit requirements, security enhancements to ensure the identity of individuals taking the courses, standardized application procedures, and other changes that would enhance the effectiveness of the requirements.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

Section 18 VAC 50-30-120 would be amended to expand the subject matter that may be approved for continuing education courses. This may include, but not be limited to, industry and trade-related classes, and OSHA safety courses.

Section 18 VAC 50-30-200 would be amended to include requirements for applying to the Board for Contractors for approval of vocational training courses and the registration of courses that are provided by organizations and schools that are accredited by outside organizations, such as the Department of Education, Virginia Apprenticeship Council, American Society of Sanitary Engineers, U.S. Department of Energy, and other similar groups. The Board will be adding an application fee to this section.

Section 18 VAC 50-30-210 would be amended to include updated requirements for applying to the Board for Contractors for approval of continuing education providers, including standardized application procedures, required documentation, instructor requirements and the addition of an application fee to this section.

Section 18 VAC 50-30-220 would be amended to expand course offerings, provide standardized application procedures, the addition of an application fee, course expiration dates, renewal requirements, as well roster integrity requirements.

Section 18 VAC 50-30-230 would be amended to clarify the electronic roster reporting requirements to include changes that were made with the implementation of secure server equipment.

Section 18 VAC 50-30-240 would be amended to include additional site requirements such identification checks, posting of registrations, conduct documents, rescheduling of students, and other logistical requirements.

Section 18 VAC 50-30-250 would be amended to include the reporting of address changes, the mandatory submission of schedule changes, the changing of approved providers, and other changes that may be determined as necessary by the Board.

Section 18 VAC 50-30-260 would be amended to amend the process for which a provider may lose approval of its class to include the same process used to discipline a licensee or certificate holder. The reasons for the withdrawal of an approval will be expanded to include integrity issues, failure report the cancelation of a class, failure to use approved providers, failure to cooperate with an audit, and other changes that may be determined as necessary by the Board.

New sections may be added in order to best facilitate the addition of fees, reporting requirements, submission of applications for approval, grounds for disapproval, course audits, renewal requirements, or other changes that may be determined as necessary by the Board.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

No viable alternatives have been identified at this time.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the

alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Eric Olson, c/o Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233; email: contractor@dpor.virginia.gov; fax (866) 430-1033. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

The agency is using the participatory approach in the development of the proposal. Pursuant to the Public Participation Guidelines, 18 VAC 50-11-10 *et seq.*, a panel will not be used.
