

AGENCY RESPONSE TO ECONOMIC IMPACT ANALYSIS –
6VAC35-20 - PROPOSED
REGULATIONS GOVERNING THE CERTIFICATION
PROCESS

The responsible Virginia Board of Juvenile Justice agency representatives have reviewed the Department of Planning and Budget's (DPB) Economic Impact Analysis of 6VAC35-20 – Regulations Governing the Certification Process (Certification Regulation). Regarding DPB's assessment that removing the critical requirements from the Certification Regulation creates uncertainty for the regulated programs and facilities, the Department of Juvenile Justice (Department) disagrees.

Under the current regulatory scheme, there is confusion as to what should be designated critical regulatory requirements because they are listed in the Certification regulation and not in the substantive regulations (6VAC35-51 and 6VAC35-140). Thus, when the substantive regulations are amended simultaneous changes may not be made to the Certification Regulation's designations. Removing the designations of critical requirements from the Certification Requirements will reduce confusion for the regulated entities. Additionally, in consultation with the regulated entities, it was agreed that having the Board retain the ability to designate would be appropriate as the decisions would be made in open meetings, subject to notice and public comment.

The agency has no additional comment regarding DPB's analysis.

Janet Van Cuyk
Regulatory Coordinator

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