



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Department for the Visually Handicapped
VAC Chapter Number:	90
Regulation Title:	Supervision of Administrative Regulations Governing Intake and Social Services
Action Title:	Repeal
Date:	04/11/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Department recommends repealing this regulation even though it has the authority to promulgate this regulation pursuant to § 63.1-85(7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-85>).

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The Department recommends repealing this regulation even though it has the authority to promulgate this regulation pursuant to § 63.1-85(7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-85>) .

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The purpose of this regulation is to implement § 63.1-77 (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-77>) of the *Code of Virginia* which stipulates that the Department will supervise the administration of social services to the blind and visually handicapped by local social services departments. With reductions in state funding and personnel the Department no longer has welfare services staff to carry out the supervision of local administration or the associated functions. Under this authority the Department certifies legal blindness for local social services departments when individuals apply for blindness-related social services or benefits. The Department will continue to provide such certification of legal blindness upon request; however, this is a procedural matter only and does not need a regulation. 22 VAC 45-90 (<http://leg1.state.va.us/000/reg/TOC22045.HTM#C0090>) contains procedures for receiving and processing referrals for Department services which are essentially procedural and do not require a regulation. For these reasons, we conclude that this regulation is not essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important governmental function and we recommend that the regulation should be repealed.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The agency will develop , or amend, internal policies and procedures to ensure that individual rights and benefits are maintained.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for

oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Repealing this regulation will have no impact on the institution of the family and family stability.