



Virginia
Regulatory
Town Hall

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	Board of Corrections
VAC Chapter Number:	6 VAC 15-20-10 et seq.
Regulation Title:	Regulations Governing Certification and Inspection
Action Title:	Review and Update Regulations Governing Certification and Inspection
Date:	9/1/00

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 current regulations have been in place in their current form since July 1, 1997. Since that time the Board and the Department of Corrections have determined that revisions of the regulations, through the Administrative Process Act, may be necessary to accommodate new recommendations and to ensure further the health and safety standards of correctional facilities and services in state, local and community correctional facilities.

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 Office of the Attorney General has confirmed that the Regulations Governing Certification and Inspection (6 VAC 15-20-10 et seq.) is statutorily authorized under Section 53.1-5 of the

Code of Virginia. The first provision of this statute requires the Board to develop and establish program and fiscal standards and goals governing the operation of state, local and community correctional facilities and community correctional services. The fourth provision of this section requires the Board to monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board. The Regulations Governing Certification and Inspection serve to enforce all facility and program standards promulgated by the Board.

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 Board of Corrections proposes to review and revise, where necessary, the language in the standards to reflect changes to the pre- and post- audit process in state, local and community correctional facilities. Amendments in current organization structure and terminology, as well as in the administration of appeals and variances granted by the Board, require possible revision.

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 recommendations for changes to these regulations are revisions that will require amendments promulgated through the Administrative Process Act (APA). No alternative exists that will effectively strengthen the certification and inspection process. The amendments, when drafted, will regulate only those necessary areas addressed in the Code of Virginia.

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.

The recommendations of the proposed regulatory action will amend internal procedures that should have no impact on the authority and rights of parents, economic self-sufficiency, marital commitment or family income.