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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation(s)</b>	12 VAC 5-410
<b>Regulation title(s)</b>	Regulations for the Licensure of Hospitals in Virginia
<b>Action title</b>	Amend Regulations to Conform to Chapters 271 and 682 of the 2018 Acts of Assembly
<b>Final agency action date</b>	April 15, 2019
<b>Date this document prepared</b>	01/29/2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Chapters 271 and 682 of the 2018 Acts of Assembly required the Board of Health to include in its regulations governing hospitals a provision that directs each hospital to establish a protocol requiring the hospital, before arranging for air medical transport for a patient who does not have an emergency medical condition, to provide the patient or his authorized representative electronic or written notice that the patient may have a choice of air medical transportation or medically appropriate ground transportation by an emergency medical services provider and will be responsible for charges incurred for such transportation in the event that the transportation

provider is not a contacted network provider of the patient’s health insurance carrier or the charges are otherwise not covered in full or in part by the patient’s health insurance plan.

The provisions of Chapters 271 and 682 become effective March 1, 2019.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

The State Health Commissioner approved this Final Exempt Action amending the Regulations for the Licensure of Hospitals in Virginia, on behalf of the State Board of Health while the board was not in session, on April 15, 2019.

**Periodic Review  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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.*

Not applicable.