



Virginia
Regulatory
Town Hall

Emergency Regulation Agency Background Document

Agency Name:	Department of Health (State Board of)
VAC Chapter Number:	12 VAC 5-218
Regulation Title:	Rules and Regulations Governing Outpatient Health Data Reporting
Action Title:	Adopt Regulations to Administer Outpatient Patient Level Data System
Date:	June 5, 2001

Section 9-6.14:4.1(C)(5) of the Administrative Process Act allows for the adoption of emergency regulations. Please refer to the APA, Executive Order Twenty-Four (98), and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the emergency regulation submission package.

Emergency Preamble

Please provide a statement that the emergency regulation is necessary and provide detail of the nature of the emergency. Section 9-6.14:4.1(C)(5) of the Administrative Process Act states that an "emergency situation" means: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. The statement should also identify that the regulation is not otherwise exempt under the provisions of § 9-6.14:4.1(C)(4).

Please include a brief summary of the emergency action. There is no need to state each provision or amendment.

The emergency regulation is necessary as Virginia statutory law requires that the regulation be effective with 280 days or less from its enactment. The regulation is not otherwise exempt under the provisions of §9-6.14:4.1(C) (4). The Board of Health will promulgate regulations to implement outpatient patient level data reporting.

Basis

Please identify the state and/or federal source of legal authority to promulgate the emergency regulation. The discussion of this emergency statutory authority should: 1) describe its scope; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. Full citations of legal authority and web site addresses, if available for locating the text of the cited authority, should be provided.

Please provide a statement that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.

The *Code of Virginia* §§32.1-276.3, 32.1-276.6, 32.1-276.8 and 32.1-276.9 directs the State Board of Health to implement an outpatient patient level data system in association with the nonprofit, tax-exempt organization established in accordance with *Code of Virginia* §32.1-276.2 et seq.).

Substance

Please detail any changes, other than strictly editorial changes, that would be implemented. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Please provide a cross-walk which includes citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes. 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 Virginians. The statement should also delineate any potential issues that may need to be addressed as a permanent final regulation is developed.

The outpatient patient level data system will collect information on up to five surgical procedures from hospitals and other health care providers. The information will be collected utilizing existing nationally adopted billing forms including but not limited to the UB-92 and HCFA 1500 forms. The nonprofit, tax-exempt organization established in accordance with *Code of Virginia* §32.1-276.2 et seq. will edit and verify the data submitted. The first twelve months of operation will be a pilot period used to evaluate the impact and cost-benefit of this data collection system.

Alternatives

Please describe the specific alternatives that were considered and the rationale used by the agency to select the least burdensome or intrusive method to meet the essential purpose of the action.

There are no relevant alternatives to the proposed regulatory action required by Virginia statutory law.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the emergency action on the institution of the family and family stability including to what extent the 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.

This regulatory action has no impact on the authority or rights of parents in the education, nurturing and supervision of their children.

This regulatory action has no impact on the economic self-sufficiency, self-pride or the assumption of responsibility for oneself, one's spouse, one's children or one's elderly parents.

This regulatory action has no impact on marital commitment.

This regulatory action may impact a family's disposable family income by providing additional information regarding outpatient surgical procedures thus facilitating the family's ability to select cost-effective health care alternatives from the choices available.