



Fast Track Proposed Regulation Agency Background Document

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| Agency name | State Board of Social Services |
| Virginia Administrative Code (VAC) citation | 22 VAC 40-340 |
| Regulation title | Protective Payments in the Refugee Other Assistance Program |
| Action title | Repeal obsolete protective payments regulation |
| Document preparation date | December 14, 2005 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

This action repeals 22 VAC 40-340, Protective Payments in the Refugee Other Assistance Program.

The state regulation dealing with protective payments to refugees was a sub-part of an AFDC (Aid to Families with Dependent Children) regulation. In 2004, AFDC regulations for the collection of overpayments were made part of a comprehensive Temporary Assistance for Needy Families regulation (22 VAC 40-295). All that remained of the original AFDC regulations was 22 VAC 40-340. The Refugee other Assistance Program was replaced in 2000 by the Refugee Cash Assistance Program and the Refugee Medical Assistance Program. The same rules that apply to protective payments in the TANF Program apply to protective payments in the Refugee Cash Assistance Program. There are no protective payments in the Refugee Medical Assistance Program. Regulation 22 VAC 40-340 is no longer needed.

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 Board of Social Services took action on 22 VAC 40-340, Protective Payments in the Refugee Other Assistance Program, on December 14, 2005.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

The Virginia Refugee Resettlement Program operates under (1) federal law created by Section 414 of the 1980 Immigration and Naturalization Act and subsequent amendments; (2) rules established by the Code of Federal Regulations, Part 400; and (3) a federally approved Refugee Resettlement State Plan. There are no state laws specifically governing the Virginia Refugee Resettlement Program. The Governor designated the Virginia Department of Social Services to administer the Virginia Refugee Resettlement Program. The State Board of Social Services is authorized to promulgate this regulation under § 63.2-217 of the Code of Virginia.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The action repeals 22 VAC 40-340. The regulation applies to a program that no longer exists.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The action repeals a regulation pertaining to a program that no longer exists. It is anticipated that there will be no objection or controversy related to repealing the regulation; therefore, promulgation through the fast-track rulemaking process is appropriate.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

The regulation is being repealed.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
2) the primary advantages and disadvantages to the agency or the Commonwealth; and
3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

Repealing the regulation has no disadvantages to the public, agency or Commonwealth

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

The regulation pertains to a program that was eliminated. Repealing it has no anticipated economic impact.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

There is no alternative to repealing the regulation. The program no longer exists, making the regulation unnecessary.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

Repealing the regulation has no family impact, as the program to which it applies no longer exists.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

There are no changes. The regulation is being repealed.