



Periodic Review / Retain Regulation Agency Background Document

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| Agency name | Department for Aging and Rehabilitative Services |
| Virginia Administrative Code (VAC) citation | __22__ VAC_30__ - __60__ |
| Regulation title | Grants to Area Agencies on Aging |
| Document preparation date | January 17, 2013 |

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

The Commissioner of the Department for Aging and Rehabilitative Services has legal authority to promulgate this regulation under the Code of Virginia 51.5-131.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

This regulation is needed to administer grants that are provided to area agencies on aging. No other alternatives are available that will provide the force of law to protect the health, safety, and welfare of individuals who receive services from the various Areas on Aging programs throughout the Commonwealth.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received. An informal advisory group was not formed for the purposes of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation meets the criteria established in Executive Order 14 (2010). This regulation is necessary to protect the public health, safety, and welfare of individuals who receive services from the various areas on aging that exist throughout the Commonwealth. No comments have been received indicating that the regulations were not clearly written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department for Aging and Rehabilitative Services is recommending that 22 VAC 30-60 et seq., Grants to Area Agencies on Aging, stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, 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. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

There is no small business impact as a result of this regulation. This regulation is needed for the Department for Aging and Rehabilitative services to administer grants to area agencies on aging. No comments or complaints were received regarding the complexity of the regulation. This regulation supplements 42 USC § 3001 et seq. (the "Older Americans Act") and the federal regulations promulgated thereunder (45 CFR Part 1321) by providing specifics on how the Commonwealth will administer the grants to area on aging programs. This regulation was changed slightly in July 2012 to address the

creation of the Department for Aging and Rehabilitative Services. Since that time, there have been no changes in other factors in the area to affect the regulation. Therefore, the department will retain the regulation as is.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation will have a positive impact on families because it provides for services that addressed the needs of older family members and allows them to remain independent in their communities.