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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC5-80
<b>Regulation title</b>	Virginia Hearing Impairment Identification and Monitoring System
<b>Date</b>	2/27/2018

This information is required pursuant to Executive Order 17 (2014).

### 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.*

Section 32.1 – 12 of the Code of Virginia gives authority to the Virginia Department of Health (Board) to make, adopt, promulgate and enforce such regulations and provide for reasonable variances and exemptions as may be necessary to carry out the provisions of Title 32 of the Code of Virginia. Section 32.1 – 64.1 of the Code of Virginia requires the Board to promulgate regulations for administration of the Virginia Hearing Impairment Identification and Monitoring System.

### 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.*

No viable alternatives for achieving the purpose of the existing regulations could be determined. The regulations are mandated under law and are administered in the least burdensome method.

### 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.*

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No comments were received during the public comment period following publication of the periodic review.

### Effectiveness

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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The regulations meet the criteria set out in Executive Order 17 (2014) as they are clearly mandated by law and are necessary for identifying hearing loss at the earliest possible age among newborns and for providing early intervention through treatment, therapy, training and education. The regulations are clearly written and understandable.

### Result

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

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VDH is recommending the regulations remain in effect without change. The regulations, in their current form, provide for the ongoing existence of an important public health program.

### 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 basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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There is a continued need for the regulations as they are mandated by law. No public comments were received. The regulations are clearly written and easily understandable. The regulations do not overlap, duplicate or conflict with any known federal or state law or regulation. Regulations are evaluated on an ongoing basis and these regulations were last amended in December 2013. Retaining the regulations in their current form does not appear to cause an adverse economic impact on small businesses in the Commonwealth of Virginia.