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Periodic Review Report of Findings

Agency name	Department for the Blind and Vision Impaired
Virginia Administrative Code (VAC) citation	22 VAC45-80
Regulation title	Provision of Services in Independent Living Rehabilitative Services
Date this document prepared	March 15, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

DBVI, Agency, Department – Department for the Blind and Vision Impaired
RT – Rehabilitation Teaching
IL – Independent Living
RT/IL – Rehabilitation Teaching and Independent Living

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Department for the Blind and Vision Impaired. Code of Virginia § 51.5-60 Definitions.

Department for the Blind and Vision Impaired. Code of Virginia § 51.5-65 Functions, duties and powers of Commissioner. In addition to the functions, duties, and powers conferred and imposed upon the Commissioner by other provisions of law, he shall ensure that the provisions of this chapter are properly administered and adopt regulations to carry out the applicable provisions of this chapter.

Code of Virginia §§ 2.2-4017 (Periodic review of regulations), 2.2-4007 (Notice of intended regulatory action; public hearing), and Executive Order 17 (2004) in combination require that every state regulation must be reviewed every four years to ensure the regulation is supported by statutory authority, determine that the regulation is necessary for the protection of public health, safety and welfare and are clearly written and easily understandable, and to make sure the regulations economic impact on small business is minimized as much as possible.

Alternatives

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

DBVI has considered other options for achieving the purpose of this regulation and has determined that the regulation is un-necessary. In all or in part, DBVI will incorporate text from this regulation into an existing regulation, 22VAC45-70 (Provision of Rehabilitation Teaching).

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. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment received.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

Though 22VAC45-80 protects the public health, safety, and welfare of Virginia's residents who are blind, vision impaired, or deafblind by establishing regulations governing the provision of services in IL rehabilitation services, the regulation is outdated. In practice, DBVI provides IL rehabilitation services as part of its RT services program. DBVI plans to repeal 22VAC45-80.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

DBVI will repeal this regulation and amend 22VAC45-70 (Provision of Services in Rehabilitation Teaching) to include certain provisions specific to the delivery of IL services to individuals who are blind, vision impaired, and deafblind.

Small Business Impact

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. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The agency has not received any complaints or comments concerning the regulation.

The regulation, which the Department plans to repeal, is not complex; it is easy to read and understand. DBVI last reviewed this regulation on or around 1999 or 2000. The regulation does not conflict with other state or federal regulations though the IL services described in this regulation will be incorporated by DBVI into 22VAC45-70 (Provision of Services in Rehabilitation Teaching) in order to accurately reflect the agency's delivery of RT/IL services. There are no substantial changes in technology, economic conditions, or other factors that impact the importance of implementation of the regulation.

Economic impact on small business generally is negligible because the regulation pertains specifically to the provision of specialized IL services to individuals who are blind, vision impaired, and deafblind. Additionally, members of the small business community have opportunity to make public comment during periodic review and annually as part of DBVI's conduct of public meetings.