



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Professional and Occupational Regulation
VAC Chapter Number:	18 VAC 100-10-10 et seq.
Regulation Title:	Board for Opticians Public Participation Guidelines
Action Title:	Periodic Review and Retention
Date:	February 5, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The Board for Opticians Public Participation Guidelines (PPGs) mandate public participation in the promulgation process of regulations. The PPGs outline the necessary procedures for being placed on or deleted from the mailing list that is maintained by the agency. The mailing list must be used to notify persons and organizations of intended regulatory action by sending documents such as "Notice of Intended Regulatory Action," "Notice of Comment Period," and notices of public hearings and the adoption of final regulations. The "Notice of Intended Regulatory Action", which announces impending regulatory action, provides for a comment period of at least 30 days and states whether or not a public hearing will be held. The PPGs specify how the public may petition the agency to reevaluate current regulations or propose new ones. The PPGs specify when and how the agency must reevaluate the regulations and hold informational proceedings for public comment. The PPGs establish the procedures to be taken when substantial changes are made prior to final adoption of the regulations. The role and constitution

of advisory committees in the process to formulate and revise regulations are specified in the PPGs. The PPGs specify how meetings and notices involved in the regulatory process will be published in The Virginia Register.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The statutory authority for the Board for Opticians to promulgate the Public Participation Guidelines is found in Section 9-6.14:7.1 of the Code of Virginia. The Board is empowered by Section 54.1-201 of the Code of Virginia to promulgate regulations to assure continued competency, prevent deceptive practices by licensees, and administer the regulatory system governed by the Board.

The Public Participation Guidelines implement the requirements of the Administrative Process Act (§ 9-6.14:1 et seq.) by establishing procedures the Board must follow in soliciting, receiving and considering public comments.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment was received.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The specific goal of the Public Participation Guidelines is to provide the public with the means to effectively participate in the development and revision of the Board for Opticians regulations. The Board has taken its regulations through the regulatory process since the effective date of the Public Participation Guidelines (June 15, 1994). Public comments submitted during this process

were considered and responded to by the Board for Opticians. In some instances, such comments led to revisions in the regulations.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The Public Participation Guidelines meet the statutory mandate set forth in the Administrative Process Act (§ 9-6.14:1 et seq.). None of the provisions exceed the mandate. Therefore, the least burdensome alternative is already in place.

Recommendation

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

On February 2, 2001, the Board for Opticians unanimously adopted the recommendation that the "Board for Opticians Public Participation Guidelines" (18 VAC 100-10-10 et seq.) remain in effect without changes.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

The Public Participation Guidelines do not have an impact on the institution of the family and family stability. They do not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; they do not 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; they do not strengthen or erode the marital commitment; and they do not increase or decrease disposable family income.