



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	41
VAC Chapter Number:	10
Regulation Title:	Board for Barbers and Cosmetology Public Participation Guidelines
Action Title:	Promulgating
Date:	December 6, 2002

Please refer to the Administrative Process Act (§ 2.2-4000 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

To promulgate guidelines governing public participation under 18 VAC 41-10-10 *et seq.* Board for Barbers and Cosmetology Public Participation Guidelines. This proposal also seeks to repeal existing Barber and Cosmetology Public Participation Guidelines.

To comply with Acts 2000,c. 726,cl.3 which provides: “That the regulations of the Board for Barbers and the Board for Cosmetology in effect on June 30, 2000 shall remain in effect until July 1, 2002, or until the Board for Barbers and Cosmetology adopts new regulations, whichever occurs first.”

To ensure that the Board is meeting its statutory mandate without burdensome requirements.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Board for Barbers and Cosmetology on October 21, 2002 adopted the Proposed Board for Barbers and Cosmetology Public Participation Guidelines as Final Board for Barbers and Cosmetology Public Participation Guidelines.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The proposed regulatory changes will promulgate public participation guidelines for the newly combined Board for Barbers and Cosmetology as directed by Acts 2000,c.726,cl.3.

§ 2.2-4007.D. describes that public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations shall be developed, adopted and utilized by each agency pursuant to the provisions of this chapter. The guidelines shall set out any methods for the identification and notification of interested parties, and any specific means of seeking input from interested persons or groups that the agency intends to use in addition to the Notice of Intended Regulatory Action. The guidelines shall set out a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency. Such policy shall address the circumstances in which the agency considers the panels or consultation appropriate and intends to make use of the panels or consultation.

§ 54.1-201.5. describes each regulatory boards power and duty to promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed public participation guidelines and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The intent of the proposed regulatory action is to promulgate public participation guidelines is to comply with state mandates and to increase the efficient and economical performance of an important governmental function by adopting the least burdensome alternatives allowed by state law.

The Board proposes to promulgate 18 VAC 41-10-10 et seq., Board for Barbers and Cosmetology Public Participation Guidelines. The Board proposes to do so because the Board requires public participation guidelines, as directed by Acts 2000,c. 726,cl. 3.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The proposed regulatory change will establish Public Participation Guidelines for the newly combined Board for Barbers and Cosmetology under 18 VAC 41-10-10 et seq., as directed by Acts 2000,c.726,cl.3., to ensure that the Board is meeting its statutory mandate without burdensome requirements.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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 include a sentence to that effect.

The proposed regulatory action is an advantage to the public in that it will establish guidelines that provide for public participation in the promulgation and amending of regulations pertaining to Barbering and Cosmetology.

There are no disadvantages to the public or the Commonwealth.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

No changes have been made to the text of the proposed regulation since its publication.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comment was received.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

The proposed regulatory action will consist of the following substantive change:

18 VAC 41-10-10 et seq. – establishes Public Participation Guidelines for the newly combined Board for Barbers and Cosmetology and replaces 18 VAC 40-10-10 et seq. (repealed) for the Board for Barbers, and 18 VAC 55-10-10 et seq. (repealed) for the Board for Cosmetology.

18 VAC 41-10-10. – definition of Administrative Process Act is added to clarify reference to Administrative Process Act. Definition of Notification lists is added to clarify lists available.

18 VAC 41-10-20. – language was added for notification of how to obtain copy of documents electronically.

18 VAC 41-10-30. – language was added to clarify activities pertaining to an organization and activities conducted electronically.

18 VAC 41-10-40. – language was added to update rulemaking provisions.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) 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; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory actions are not anticipated to have any significant impact on Virginia's families.