



Virginia  
Regulatory  
Town Hall

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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department for the Blind and Vision Impaired (DBVI)
<b>Virginia Administrative Code (VAC) citation</b>	<u>22 VAC 45-50</u>
<b>Regulation title</b>	Regulation Governing Provision of Services in Vocational Rehabilitation
<b>Action title</b>	Repeal Existing Regulation and Promulgate New Regulations
<b>Date this document prepared</b>	11-29-2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The proposed action repeals existing regulations (22 VAC 45-50) concurrently with the promulgation of new regulations (22 VAC 45-51.) The current regulations, last revised in 1990, are outdated. 22 VAC 45-51 incorporates updated federal language, updates the names of two agencies, eliminates one section that is not necessary to ensure compliance with federal regulations separates one section into two separate sections to provide greater clarification, sections and combines two sections that were duplicative.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.*

Code of Virginia § 51.5-65 authorizes the Commissioner of DBVI to promulgate regulations to carry out the provisions of this section.

**Need**

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

Regulations governing provision of services in vocational regulations are intended to guide and direct the DBVI in serving Virginia’s blind, vision impaired, and deafblind citizen’s seeking to obtain or maintain employment. Repealing current and promulgating new regulations ensures that Virginia is compliant with federal regulations and continues to provide viable services to the citizens of the Commonwealth.

**Substance**

*Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

Since 1990 when 22 VAC 45-50 was last revised, the agency name was changed from the Department for the Visually Handicapped to the Department for the Blind and Vision Impaired. Additionally, an agency name change occurred with the Virginia Office for Protection and Advocacy, formally known as the Department for the Rights of Virginian’s with Disabilities.

The new regulations also incorporate updated federal language, eliminate one section, separate one section into two separate sections to provide greater clarification and combine two other sections that were duplicative

**Alternatives**

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

The DBVI Administration considered revision of 22 VAC 45-50 and determined the changes to be substantial enough to warrant repealing the regulations while promulgating new ones.

**Public participation**

*Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

*Please also indicate pursuant to your Public Participation Guidelines whether a panel will be appointed to assist in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is \_\_\_\_\_; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.*

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The DBVI is seeking comments on this regulatory action, including but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to **Susan Davis Payne, Vocational Rehabilitation Director, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia 23227, (804)371-3185, FAX (804) 371-3351, susan.payne@dbvi.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

A panel will not be used to develop proposed regulations.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent 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.*

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Blind, visually impaired, and deafblind citizens, their family members, consumer groups, state and local government entities, and others in the Commonwealth benefit from the promulgation of new regulations that are clearer to understand and provide an accurate explanation of the services available to eligible Virginians.

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