

Preliminary Determination Package ("Pre-NOIRA")
for Promulgating
Procedures and Policies for Administering the
Commonwealth Neurotrauma Initiative Trust Fund

Item 1: Specific Reason for the Regulation.

Senate Bill 1132 (Chapter 567, 1997 Acts of Assembly; Section 32.1-73.1 *et seq.* of the *Code of Virginia*) established the Commonwealth Neurotrauma Initiative (CNI) Trust Fund "[f]or the purpose of preventing traumatic spinal cord or brain injuries and improving the treatment and care of Virginians with. . .[such] injuries. . . ." Section 32.1-73.2 of the *Code*. The bill also established the CNI Advisory Board to administer this nonreverting fund in coordination with the State Health Commissioner, and requires the State Board of Health to promulgate regulations that establish procedures and policies for administering the Trust Fund after receiving recommendations from the CNI Board. Section 32.1-73.3 of the *Code*. In general, the contemplated regulations will govern the process by which persons may apply for grants to fund research on neurotrauma or to improve treatment, and the process by which the CNI Board will review applications and disburse grant monies.

Item 2: Source of Legal Authority to Promulgate: Source and Scope of the Mandate.

Section 32.1-73.1 *et seq.* of the *Code of Virginia* contains mandatory language authorizing the State Board of Health to promulgate the contemplated regulations, specifically, by stating that the Board "shall promulgate regulations establishing procedures and policies for soliciting and receiving grant applications [for monies in the CNI Trust Fund] and criteria for reviewing and ranking such applications. . . ." The scope of this mandate is appropriate for the adequate and effective administration of the Trust Fund and for the program necessary to operate it.

Item 3: Reasoning for Concluding the Contemplated Regulation is Essential.

The General Assembly, in its wisdom, has concluded that regulations to administer the CNI Trust Fund are essential to the integrity of this program and to protect the health and safety of Virginians. The sound, economical and fair operation of any public program that disburses funds depends on the development and publication of an effective regulatory framework. The contemplated regulations will constitute such a framework.

Item 4: The Process by Which Less Burdensome and Intrusive Alternatives have been Considered.

In light of the clear, specific and mandatory authority of the State Board of Health to promulgate the contemplated regulations, the Board has not considered any alternatives to the contemplated regulation. *See* Section 32.1-73.4 of the *Code*.

Item 5: Assessing the Impact of the Contemplated Regulation on the Family.

The contemplated regulations will directly benefit certain families in Virginia by providing funds for improving the treatment and care of family members with traumatic spinal cord or brain injuries. The regulations will benefit all families in Virginia less directly by providing funds for research into prevention of such injuries, which can seriously strain the financial, physical, and emotional health and resources of families that must endure such traumatic injuries.