



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Department of Health (State Board of)
<b>VAC Chapter Number:</b>	12 VAC 5-410-230, 390, 1170, and 1180
<b>Regulation Title:</b>	Regulations for the Licensure of Hospitals in Virginia
<b>Action Title:</b>	Adoption of APA-Article II-exempt, non-discretionary regulatory amendments
<b>Date:</b>	August 22, 2002

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

**Note agency actions exempt pursuant to § 9-6.14:4.1(B)** do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The department is amending the Regulations for the Licensure of Hospitals in Virginia, 12 VAC 5-410, specifically sections 230, 390, 1170, and 1180. Sections 32.1-127 and 32.1-126.02 of Title 32.1 of the Code of Virginia contain provisions addressing: i) the rights and responsibilities of patients, ii) signing of verbal orders, and iii) criminal records checks for non-

licensed pharmacy personnel. These amendments will assure that the hospital regulation is in compliance with the law.

**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.*

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In accordance with the powers and duties of the Board of Health, these amendments to 12 VAC 5-410, Regulations for the Licensure of Hospitals in Virginia, were adopted on August 3, 2001. Although required to comply with the Virginia Register Act, the Department of Health is filing these changes under § 2.2-4006.A.4.a of the Code which states: “Regulations which are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved” are exempt from the provision of the Administrative Process Act (§ 2.2-4000 et seq.).

**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.*

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The amendments do not directly impact the family unit in Virginia.