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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC5-371-10 <i>et seq.</i>
VAC Chapter title(s)	Regulations for the Licensure of Nursing Facilities
Action title	Amend Regulation to Conform to Chapters 219 and 525 of the 2021 Acts of Assembly, Special Session I
Final agency action date	September 6, 2021
Date this document prepared	July 15, 2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapter 219 of the 2021 Acts of Assembly, Special Session I amends Va. Code § 32.1-127(B), requiring the State Board of Health to promulgate regulations that “require each nursing home, and certified nursing facility...to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services.”

Chapter 525 of the 2021 Acts of Assembly, Special Session I amends Va. Code § 32.1-127(B), requiring the State Board of Health to promulgate regulations that “require each nursing home, and certified nursing facility...to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or

state guidance having the effect of limiting visitation” when there is “a declared public health emergency related to a communicable disease of public health threat.”

This exempt action is being utilized to conform 12VAC5-371-10 *et seq.* to the Code of Virginia.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). “Mandate” is defined as “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The mandate for these changes is found in Chapters 219 and 525 of the 2021 Acts of Assembly, Special Session I.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Health Commissioner approved this Final Action regarding the Regulations for the Licensure of Nursing Facilities, on behalf of the State Board of Health while the board was not in session on September 6, 2021.