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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	12VAC5-215
<b>VAC Chapter title(s)</b>	Rules and Regulations Governing Health Data Reporting
<b>Date this document prepared</b>	July 1, 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

"Board" means the State Board of Health

"Commissioner" means the State Health Commissioner

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

§ 32.1-12 of the Code of Virginia authorizes the Board to make, adopt, promulgate and enforce such regulations and provide for reasonable variances and exemptions that may be necessary to carry out the provisions of Title 32.1 and other laws of the Commonwealth administered by the Board, the State Health Commissioner, or the Department of Health.

§ 32.1-276.2 of the Code of Virginia requires that the Board administer the health care data reporting initiatives established by Chapter 7.2, Title 32.1 of the Code of Virginia.

§ 32.1-276.4 of the Code of Virginia directs the Commissioner to “negotiate and enter into contracts or agreements with a nonprofit organization for the compilation, storage, analysis, and evaluation of data submitted by health care providers.

§ 32.1-276.6 of the Code of Virginia requires the Board to promulgate regulations specifying the format for submission of outpatient data.

### Alternatives to Regulation

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

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No viable alternatives for achieving the purpose of these regulations have been identified as part of this periodic review. § 32.1-276.6 of the Code of Virginia requires the Board to promulgate regulations specifying the format for submission of outpatient data. Additionally, the §32.1-276.6 outlines the information that is required to be reported. Amending the regulation is the least burdensome and most efficient approach to accomplish the statutory requirements.

### Public Comment

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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The Board did not form an informal advisory group for the purposes of assisting in the periodic review. No comments were received during the public comment period following publication of the Notice of Periodic Review.

### Effectiveness

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

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The regulations meet the criteria set out in Executive Order 19 (2022) as they are necessary for the protection of public health, safety, and welfare of the citizens of the Commonwealth. The establishment of effective health care data analysis and reporting initiatives is essential to improving the quality and efficiency of health care, fostering competition among health care providers, and increasing consumer

choice with regard to health care services in the Commonwealth. Accurate and valuable health care data can best be identified by representatives of state government and the consumer, provider, insurance, and business communities.

The regulations are clearly written and understandable.

### Decision

*Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

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The Board will amend the Rules and Regulations Governing Health Data Reporting to align the chapter with the current practices regarding specifications for health care institutions, filing requirements, due dates, fee structure and financial information that is periodically published and disseminated regarding health data. The Board will also incorporate the provisions of 12VAC5-216 – Methodology to Measure Efficiency and Productivity of Health Care Institutions into this chapter, as 12VAC5-216 will be repealed. Additionally, amendments that reduce regulatory requirements on Virginians will be considered where possible.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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There is a continued need for the regulation as the Board is required to administer the health care data reporting initiatives. The Board has not received complaints or comments concerning this regulation but has identified the need to amend these regulations to maintain an accurate and robust health care data system. The regulatory language contained in this chapter is clear and easily understandable. The regulation does not conflict with state law or regulation. The regulation requires a comprehensive review to reflect changes in the health care industry, technology, and economic conditions.

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