



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-11
Regulation title	Public Participation Guidelines
Document preparation date	June 20, 2007

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

This regulation is promulgated by the State Board of Social Services as authorized by §§ 2.2-4007 D. and 63.2-217 of the *Code of Virginia*. It establishes procedures to solicit input from interested parties prior to the formation and drafting of regulations and during the formation, promulgation and final adoption of regulations by the State Board of Social Services and the Department of Social Services. The Virginia Administrative Process Act requires that this regulation be in place before the State Board of Social Services can adopt any other regulation. This regulation permits the State Board of Social Services to execute its statutory responsibilities for promulgating regulations to carry out the purposes of Title 63.2 of the Code of Virginia.

The Office of the Attorney General has certified that the State Board of Social Services has the authority to promulgate this regulation and that the existing regulation does not exceed the Board's statutory authority.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Section 2.2-4007 D. of the *Code of Virginia* mandates that the State Board of Social Services promulgate this regulation. Section 63.20217 of the *Code of Virginia* vests the State Board of Social Services with the authority to promulgate regulations for programs administered and supervised by the Department of Social Services. Other alternatives are not an option.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

A notice of public comment for this periodic review was published in the Virginia Register on March 19, 2007, with public comment ending on April 9, 2007. No comment was received.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The State Board of Social Services has promulgated approximately 70 regulations to administer various licensure programs, service programs, assistance programs, and child support enforcement programs provided for in Title 63.2 of the Code of Virginia. The intent of these programs is to protect and ensure the health, safety and welfare of all citizens of the Commonwealth.

This regulation ensures that the public may participate in the formation and development of regulations of the Department of Social Services and the State Board of Social Services. This is accomplished by requiring:

- 1.) the establishment and maintenance of list of interested persons,
- 2.) use of ad hoc advisory groups or standing advisory committees, and
- 3.) a time for public comment on regulations at all regularly scheduled meetings of the State Board of Social Services.

The regulation increases participation, reduces cost and improves the speed of communication when gathering public comment.

The regulation was reviewed for clarity and no changes were found to be necessary. No public comment was received that indicated that the regulation was unclear or difficult to understand.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The State Board of Social Services recommends that the regulation 22 VAC 40-11, *Public Participation Guidelines*, be retained without change.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation enhances and increases the opportunities for public participation in the process for development and promulgation of the State Board of Social Services' regulations. Thus, the Board will have better means for considering the interest and concerns of families when promulgating and approving regulations. The regulation respects the authority and rights of parents in the education, nurturing, and supervision of their children. It has no negative impact on economic self-sufficiency, self-pride, the assumption of personal responsibility, family income, or marital commitment.