



Virginia

Department of Planning & Budget

STATE AGENCY REGULATORY COORDINATOR TRAINING

Virginia.gov

Agencies | Governor



VIRGINIA
REGULATORY TOWN HALL



FALL 2019

CELEBRATING 20 YEARS OF TOWN HALL!

1999

FLASH BACK



Virginia
Regulatory
Town Hall

Virginia Regulatory
Town Hall

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Additional Info

Calendar

Search Regulations:



Advanced Search

Find a regulation by

- Subject/Title
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Regulatory changes

- Now in progress
- Open for comment
- Required by VA law
- Requested by public

Meetings

- Future
- Past meeting minutes

Registered users

- Log on
- Fast & easy sign-up

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Stage Information

Agency	Department of Health Professions
Board	Board of Audiology and Speech-Language Pathology
Regulation	Regulations of the Board of Audiology and Speech-Language Pathology (18 VAC 30-20)

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Stage Information	
Action title	Continuing competency and inactive licensure
Stage	NOIRA
Va. Register citation	Date: 8/16/1999 Volume 15 Issue 23
Public hearing to be held at the proposed stage	Yes
Public comment period	8/16/1999 through 9/15/1999
Documents	Agency Statement (25k)

Contact Information	
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COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR PRESS OFFICE

News Release

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For Immediate Release
December 29, 1999

Governor Gilmore Announces Launch Of Virginia Regulatory Town Hall Web Site -Web Site Revolutionizes Citizen Access to Rulemaking Process-

RICHMOND- Governor Jim Gilmore today announced the public launch of the Virginia Regulatory Town Hall, a web site that allows users to track the progress of state regulatory changes from their inception through their final enactment as law.

"The new Town Hall web site empowers citizens to take a more active and effective role in state government," said Governor Gilmore. "At the same time, it improves the efficiency of the rule making process."

"This is an important step in our effort to make government more accessible to citizens and more efficient through the use of Internet technology," said Secretary of Finance Ronald Tillet. "The Town Hall creates a powerful electronic communication environment that connects key participants in the process and allows the state's rulemaking function to be monitored on the web."

Users of the Regulatory Town Hall can sign up for a free notification service that will automatically send the user an e-mail notice when an agency plans to promulgate or change a regulation, or whenever a public meeting is scheduled to address regulatory policy.

"Citizens and interest groups for the first time can receive customized, instantaneous notice of the regulatory actions and meetings that concern them," said Scott Pattison, Director of the Department of Planning and Budget, the agency responsible for coordinating the site. "More opportunities for citizens involvement translates into better regulatory policy."

PLANNING, EVALUATION, AND REGULATION (PER) DIVISION

Ashley Colvin, Associate Director

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REGULATIONS 101: WHAT IS A REGULATION OR RULE?

- Agency or board-made law, which are required to carry out an agency's mission and meet its legal obligations under the Code of Virginia, federal law, or federal regulation.



Best practice: Your agency reviews its regulations on an ongoing basis to ensure that they are accurate and complete, but at least once every four years.

RULEMAKING PROCEDURES – WHERE DO THEY COME FROM?

- Article 2 of the Administrative Process Act (APA) in the Code of Virginia,
- Each Governor's Executive Order (EO) on rulemaking (required by the APA),
- Virginia Register Act,
- Your agency's Public Participation Guidelines (PPGs), and
- Your agency's basic statute may specify special rulemaking procedures or other unusual requirements



RULEMAKING PROCEDURES – WHAT'S THE PURPOSE? WHY ARE THEY NECESSARY?

- To provide for adequate notice of changes to regulations. (APA)
- To provide an opportunity for public comment, e.g., PPGs. (APA)
- To ensure legal authority to promulgate the proposed regulation. (APA)
- To ensure regulations are developed using good government principles including making sure they are: (1) clearly written and easily understandable, and (2) the most efficient and cost effective way of achieving the intended objective. (EOs)

RULEMAKING PROCEDURES – WHAT ARE THE DIFFERENT TYPES OF ACTIONS?

Three Types of Actions Not Exempt from Executive Branch Review:

- Emergency (one stage process for temporary regulation, one stage process)
- Fast-track (one stage process for rules expected to be noncontroversial)
- Standard (three stage process, i.e., NOIRA, proposed and final)

Action that is Exempt from Executive Branch Review: usually a one stage process with the filing of a final exempt stage

DPB'S ROLE



Virginia

Department of Planning & Budget

DPB's Planning, Evaluation, and Regulation (PER) Division:

- Reviews regulatory proposals and produces:
 - Economic impact analyses (EIAs) that assess benefits and costs (public document)
 - Policy memoranda for Cabinet Secretaries and the Governor's Office (considered Governor's Confidential Working Papers)
- Manages the Virginia Regulatory Town Hall website which incorporates the executive branch review of non-exempt regulations and displays other regulatory items and events, and has an email notification service and public comment forums.

DPB'S REGULATORY REVIEW: ECONOMIC IMPACT ANALYSES

- We seek to understand the impact of all proposed changes to the text.
- We seek to understand beneficial impact, as well as costly impact.
- If the proposal involves increasing or decreasing the need to purchase goods or services, please provide an estimate of the change in cost (specified to good or service).
- If the proposal involves increasing or decreasing affected entity staff time required to comply, please provide an estimate of the change in required staff time.

DPB'S REGULATORY REVIEW: POLICY ANALYSES

What we're looking for:

- Why is this action being taken?
- What problem is it trying to solve?
- What are the differences from the status quo?
- Were the proper APA procedures followed?
- How was the public/other stakeholders involved?
- Will it or parts of it be controversial and why?
- Does it comply with the EO?

How we do this:

- Review the ABD
- Compare the ABD, (especially the Detail of Changes table) to the text



A NEW ADMINISTRATION AND EXECUTIVE ORDER

- Jessica Killeen is main contact for the Governor's Office.
- Executive Order 14 (as amended July 16, 2018) is similar to other EOs on rulemaking, however, there are some differences:
 - (1) DPB review time extended for emergency and final stages
 - (2) OAG required to ensure it does not conflict with existing law
 - (3) No more missed deadlines report.

NEW LEGISLATION

- Chapter 820, 2018 Acts of Assembly
 - Guidance document public comment forums
- Chapters 444 and 445, 2018 Acts of Assembly
 - Regulatory reduction pilot program, including reporting on periodic review of regulations

GUIDANCE DOCUMENT PUBLIC COMMENT FORUMS

Chapter 820 requires certain guidance documents to be subject to a public comment period before they can become effective.

Tips:

- When changing a document, carefully consider whether it requires a forum.
- The legislation does not include any exemptions, such as for technical changes.
- If you have any questions, contact your Assistant Attorney General.
- If you believe a comment was inadvertently posted in the wrong forum, notify DPB.

GUIDANCE DOCUMENT PUBLIC COMMENT FORUMS

After a guidance document public comment forum has closed, be prompt in either:

- (1) Promoting the proposed guidance document to the effective guidance document,
- (2) Uploading a revised proposed guidance document as the effective guidance document,
- (3) Delaying its effective date by 30 days, or
- (4) Withdrawing the proposed changes.

After a 30-day delay, also be prompt to finalize action on the proposed guidance document.

PERIODIC REVIEWS

Chapter 444 and 445, 2018 Acts of Assembly:

- Requires DPB to track and report the extent to which agencies comply with the requirement that their regulations be subject to a periodic review every four years.
- Requires agencies to provide to DPB a schedule listing each regulation that shall be reviewed in each of the four years, to be published on the Regulatory Town Hall.

PERIODIC REVIEWS

- In order to comply with this legislation, the periodic review page has been redesigned to display information about periodic reviews whether conducted:

- (1) During a standard rulemaking action, or
- (2) Using the periodic review feature.

Agencies can use this information to determine the date their next periodic review of a regulation is due.

- For each regulation, agencies must complete the “Agency’s Scheduled Due Date” of their next periodic review.

REGULATORY REDUCTION PILOT PROGRAM

- Chapters 444 and 445 require two pilot agencies to
 - Submit a count of all regulatory requirements by Oct 2018
 - Reduce discretionary requirements by 25 % by July 2021
- All other executive agencies subject to APA must also submit a count by July 2020
- Secretary of Finance must report on progress, including implementation of 2-for-1 regulatory budget

REVISED AGENCY BACKGROUND DOCUMENT FORMS

- New practice: regular updates to forms
 - Updates will clarify Detail of Changes table
- Process for submitting forms is changing
 - Forms will include tags to enable RIS to read the text
 - Forms will be “pasted” into Town Hall instead of uploaded
- Do not modify the forms!

HANDOUTS

- 20ish Recent Improvements
- 20 Tips and Tricks
- New COV Users on TH
- 20 Best Practices
- Checklist

