



VIRGINIA

REGISTER OF REGULATIONS

Preparing and Filing Guidance Document Lists for Publication in The Virginia Register of Regulations

(Revised November 2018)

I. Basis and applicability.

Section [2.2-4103.1](#) of the Code of Virginia requires agencies, on or before January 1, to annually file with the Registrar of Regulations a list of guidance documents upon which the agency currently relies. These lists are published in the *Virginia Register of Regulations* and are available online at <http://register.dls.virginia.gov/guidancedocs.aspx>.

An agency may be subject to filing the guidance document list even when it has no regulations if the agency or staff has developed a document that interprets or implements statutes or otherwise meets the definition of guidance document in §§ [2.2-4001](#) and [2.2-4101](#) of the Code of Virginia.

II. Identify agency guidance documents.

A. Evaluate documents within your agency and determine which ones, if any, are guidance documents. Check with your legal counsel to determine whether a document meets the statutory definition of a guidance document.

B. Do not list regulations; regulations are not guidance documents. If a document has been assigned a VAC number and adopted through the appropriate regulatory process, do not include it on the list.

C. Other considerations.

1. Case decisions. List case decisions only if the agency intends for the case decision to have general applicability.

2. Classifying documents. Classes of documents, such as interpretive memos, rulings, or decisions having general applicability, that are frequently updated and compiled at intervals not exceeding three months may be categorized by subject and listed once. The list should set forth a general description of the subject matter contained in the documents and the procedure for obtaining the documents. In place of an issue date or a revised date, list how often the documents are updated (e.g., updated weekly, monthly, every two months, etc.), or list a range of dates.

III. Prepare and file the guidance document list.

A. An agency has four options to choose from to meet the annual guidance document list statutory filing requirement:

Option 1 - File list through Town Hall

For Virginia Regulatory Town Hall users. If an agency has relied on the Virginia Regulatory Town Hall (Town Hall) to generate and file its annual guidance document list with the Registrar's Office in the past, this process (used since 2015) is explained here:

- 1. Log into Town Hall** and select "My Guidance Documents" from the Agency Functions drop down list on the left side of the page near the top.
- 2. Review introductory paragraph** - Once the list of guidance documents appears, click on "Edit Guidance Document Introduction" link to review and update this paragraph; check that the contact information and other information in the introductory paragraph are correct.
- 3. Review guidance documents** - Delete documents no longer used, upload new documents, and correct document titles. Capitalize the first letter of each word in the document title as appropriate; do not use all caps in document titles.
- 4. Review for a final time the information that will be sent to the Registrar's Office** - Click on link titled "Submit Annual List of Guidance Documents to Registrar (in December)" at the top of your guidance document page and review one last time the introductory paragraph and list of guidance documents to make sure they are up to date, complete, and accurate.
- 5. Submit to Registrar's Office** - Click the "Submit" button to officially file the agency's guidance document list with the Registrar's office, click the "submit" button at the bottom of the page.

For further questions, please contact Department of Planning and Budget.

If circumstances prevent you from using the Town Hall to file your guidance document list with the Registrar's Office, use Option 2 or Option 3 to file.

Option 2 - File list via email

- 1. If you filed a list last year**, update last year's list following instructions in subdivision B 1 of this section.
- 2. If you are preparing a list for the first time**, follow the instructions in subdivision B 2 of this section.
- 3. Email the list to the Registrar's office.**
 - Send the email to: VARegs@dls.virginia.gov.
 - In the Subject line, type: Guidance Document – [insert agency name].
 - In the body of the email, insert the following language:
"Attached is the guidance document list from the [agency name]. Please address any questions concerning the attached list to [contact name] at [telephone number] or [email address]."
 - Attach the list to the email **and send before January 1, 2019.**

If you want the Registrar's Office to acknowledge receipt of your list, make this request in your email message.

Option 3 - No changes to list

If after reviewing last year's list, you determine that there are no changes to your agency's guidance document list that was filed last year:

- Email VARegs@dls.virginia.gov.
- In the Subject line, type: Guidance Document – [insert agency name].
- In the body of the email, insert the following language:
“Upon review, the guidance document list from the [agency name] remains unchanged from the 2017 filing. Please use that list for publication purposes. Address any questions to [contact name] at [telephone number] or [email address].”
- **Send the email before January 1, 2019.**

Option 4 - Agency has no guidance documents

If a determination is made that your agency has no guidance documents:

- Email VARegs@dls.virginia.gov.
- In the Subject line, type: Guidance Document – [insert agency name].
- In the body of the email, insert the following language:
“The [agency name] currently has no guidance documents. Address any questions to [contact name] at [telephone number] or [email address].”
- **Send the email before January 1, 2019.**

B. Preparation instructions (for an agency NOT filing through the Town Hall).

1. Updating last year's list. If your agency filed a guidance document list last year, download the list from the Virginia Register Guidance Document webpage into a Microsoft Word document for editing. (NOTE: If your agency is not listed on our website, we do not have a record of receiving your guidance document list last year.)

To download your list into a Word document:

- Go to the guidance document webpage at <http://register.dls.virginia.gov/guidancedocs.aspx>.
- From the dropdown menu, select the agency name. The guidance document list should appear below the horizontal bar under the dropdown menu.
- Beginning with the agency name highlight the document text through the end of the document. Do not highlight anything above the horizontal bar. (Highlight tip: (i) Double click your cursor on the first word of the agency heading. (ii) Position the cursor/arrow after the last word in the document and press the "shift" key and the left mouse button at the same time.)
- Copy the text and paste it into a new Microsoft Word document.
- Update the list as needed.
 - Be sure all Internet addresses or hyperlinks are working correctly and updated to point to the correct document.
 - Do not use strikes/underscores to show changes.
 - If your agency website has a page dedicated to guidance documents, add the Internet address or hyperlink that points to that page at the beginning of the list (e.g., "Guidance documents may be accessed on the agency's website at https://www.dhp.virginia.gov/medicine/medicine_guidelines.htm")."

For assistance with accessing documents from our website, contact Rhonda Dyer at 804-698-1882 or email rdyer@dls.virginia.gov.

2. Preparing a list for the first time. If you are preparing a list for the first time include the following information:

- a. Name of agency.
- b. Introductory paragraph: Provide the following information in narrative form:
 - Location for viewing copies of the documents.
 - Name, address, telephone number, fax number, and email address of the staff person to contact for obtaining copies.
 - Costs associated with obtaining copies. If there is no charge, indicate that copies may be obtained free of charge. If the cost varies depending on the document, indicate the cost of the document as explained in subdivision 2 c of this section.
 - Name, address, telephone number, fax number, and email address of the staff person to contact for asking interpretive or implementation questions.

EXAMPLE INTRODUCTORY PARAGRAPH

Copies of the following documents may be viewed on regular work days between the hours of 8 a.m. and 4:30 p.m. in the office of the Virginia Code Commission, 900 East Main Street, 11th Floor, Richmond, VA 23219. Copies may be obtained free of charge by contacting Terri Edwards at the same address, telephone (804) 698-1881, FAX (804) 698-1899 or email tedwards@dls.virginia.gov. The documents are also available online at the links shown on the document list.

Questions regarding interpretation or implementation of these documents may be directed to Karen Perrine, Registrar of Regulations, Virginia Code Commission, 900 East Main Street, 11th Floor, Richmond, VA 23219, FAX (804) 698-1899, or email kperrine@dls.virginia.gov.

- c. Document list: After the introductory paragraph, include the following information. Do not use tabs or tables to format the guidance document list.
 - Document number, if any.
 - Document title (if possible, add a hyperlink to the guidance document on your agency website).
 - If you would rather not add a hyperlink to the document title, add the Internet address url where the document can be viewed.
 - Date issued or most recent revised date (e.g., revised June 2005).
 - Code of Virginia citation that the document interprets or implements (e.g., § 62.1-44.15), if any.
 - Virginia Administrative Code (VAC) chapter number of the regulations that the document interprets or implements (e.g., 9VAC25-31), if any.
 - Cost of document if the cost could not be specified in the introductory paragraph. If the charge is per page, indicate the number of pages of the document.

EXAMPLE DOCUMENT LIST

Guidance Documents:

Form, Style and Procedure Manual for the Publication of Virginia Regulations
http://register.dls.virginia.gov/documents/agency_resources/stylemanual.pdf, revised 2008, § 2.2-4104

Preparing and Filing Guidance Document Lists
http://register.dls.virginia.gov/documents/agency_resources/guidance_doc_instructions.pdf, revised April 2014, §§ 2.2-4008 and 2.2-4103

C. Guidance document lists not meeting these guidelines may be returned to the agency to be corrected and filed again with the Registrar's office for later publication.

IV. Publication.

A. The Registrar will publish the list in the Guidance Documents section of the Virginia Register. The Registrar generally publishes all guidance document lists together in a single issue of the Register in February or March.

B. The guidance document introductory paragraph and list will also be posted on the Virginia Register website at <http://register.dls.virginia.gov/guidancedocs.aspx>. Recognizing that changes are made to these lists on an ongoing basis throughout the year, a disclaimer will be posted that refers the user to the appropriate agency for the most up-to-date information.