

VIRGINIA REGISTER NEWS

NEWS YOU CAN USE

VOLUME 3, ISSUE 1

SPRING 2011

WE'LL MISS SEEING YOU, BUT...



Electronic-only filing is finally here! Effective immediately, proposed, final, fast-track, and emergency regulation stages filed electronically through the Regulation Information System (RIS) are considered official. Print copies are no longer required; however, some exceptions apply. Exceptions include documents not available in an electronic format or that, for whatever reason, cannot be uploaded to an RIS project. For more information on uploading documents to an RIS project (e.g., forms, documents incorporated by reference, and other miscellaneous documents associated with a regulatory action), see the article below.

Here's a checklist of things to do after you file the regulatory action:

- **Was the regulation received?** Log in to RIS, go to the submitted project and click on the manila folder. If properly submitted, the regulation text will be "grayed" out. (While you can't click on individual sections, you can read the text by creating a report.)
- **Was ALL required information submitted?** Go to the "create report" dropdown menu, select "transmittal sheet," and click on "create report." The official date and time submitted are located at the top of the transmittal sheet. Double check all transmittal information, paying special attention to public hearing date, comment deadline, and effective date, as applicable. For example, if you are required to hold a public hearing at the proposed stage, be sure that the hearing date, time, and location are reflected on the transmittal sheet.
- **IF CHANGES ARE NEEDED, CALL OUR OFFICE AT 786-3591.** Uploading changes to the Town Hall AFTER you submit a project for publication in the Register WILL NOT update RIS.

We'll miss seeing you at our reception counter and hearing the bell to announce someone has arrived. Stop by sometime to say hello!

HYPERLINKS TO FORMS AND DOCUMENTS INCORPORATED BY REFERENCE



A document upload feature is now available in RIS. RIS users are now able to upload forms, documents incorporated by reference, and other miscellaneous documents to an RIS project. Key features include (i) creating a repository of agency forms and noncopyrighted documents incorporated by reference, (ii) providing a place to store other miscellaneous documents associated with the regulation directly in the RIS project, and (iii) providing hyperlinks in the Virginia Register of Regulations and Virginia Administrative Code to forms and noncopyrighted documents incorporated by reference. [Click here](#) for detailed instructions.

Inside this issue:

ELECTRONIC-ONLY FILING	1
DOCUMENT UPLOADS	1
APA ALERT	2
REGULATION BREAKDOWN	2
GETTING TO KNOW YOU	3
WORD 2007 AND INTERNET EXPLORER 8	3
PUBLICATION SCHEDULE	3

Virginia Register of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia 23219, (804) 786-3591.

For comments and questions, contact Terri Edwards at tedwards@dls.virginia.gov.

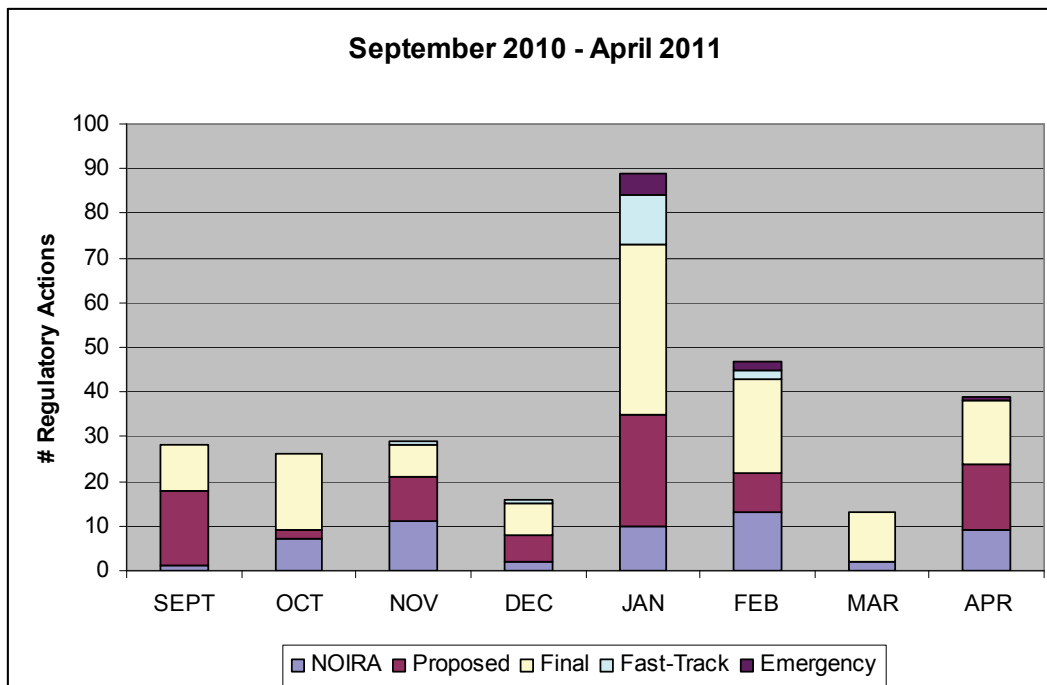
ALERT: 2011 ADMINISTRATIVE PROCESS ACT AMENDMENTS!



Amendments to the Administrative Process Act (APA) that impose requirements on agencies were passed at the 2011 Session of the General Assembly. Chapters 241 and 315 affect APA provisions relating to the review of regulations for adverse impact on small businesses. Chapter 464 establishes (i) a 90-day timeframe for filing changes to regulations based on mandates by statute in which the agency has no discretion and (ii) a 120-day timeframe for filing a Notice of Intended Regulatory Action whenever amendments are necessitated by statute.

- Small Business Impact:** Chapters [241](#) and [315](#), which are duplicate acts, clarify the process for the notice of completion of the small business impact statement and review of existing regulations to minimize the economic impact of regulations on small businesses. The act (i) changes the periodic review requirement from five years to four years to conform to the procedures for regulatory review adopted by each Governor under §§ 2.2-4013 and 2.2-4017, (ii) requires agencies to publish a notice of the review and report of the findings in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall, and (iii) provides for a 21-day public comment period after publication of the notice. The act also clarifies where an agency must publish the certification statement required by § 2.2-4007.1 D regarding review of regulations in existence on July 1, 2009. Stay tuned for more information!
- Timeframes:** Chapter [464](#) requires agencies to file updated regulations with the Registrar of Regulations within 90 days of the law's effective date when regulatory changes are (i) nondiscretionary and (ii) necessary to conform to a change in law. Section [2.2-4006](#) A 4 a of the APA exempts such changes from the public participation procedures of the APA, so agencies generally are able to go directly to the final stage and file the nondiscretionary changes with the Registrar. For more information, see [§ 5.8](#) of the Style Manual. The act also requires agencies to file a Notice of Intended Regulatory Action with the Registrar of Regulations within 120 days of a law's effective date whenever a Virginia statutory change necessitates a change to, or repeal of, all or a portion of a regulation, or the adoption of a new regulation.

REGULATION BREAKDOWN



GETTING TO KNOW YOU

Joe Hilbert serves as Director of Governmental and Regulatory Affairs at the Virginia Department of Health and has been in this position since January 2002. In his current job, Joe is responsible for assisting with the coordination and implementation of a wide range of internal and external legislative, regulatory, and policy activities. Specifically, he serves as the agency's regulatory coordinator, legislative liaison, and FOIA coordinator.

As a Senior Health Policy Analyst with the Joint Commission on Health Care from 1998 through 2001, Joe worked on studies that addressed a wide range of health care issues, including Certificate of Public Need, preventive health services, disease surveillance, long-term and acute care services, indigent health care funding, rural health, patient safety, privacy of medical records, and organ donation/transplantation.

From 1990 through 1998, Joe was a Legislative Analyst with the Joint Legislative Audit and Review Commission and was ultimately promoted to Chief Legislative Analyst. He contributed to program evaluations of the Department of Taxation and Medicaid-financed long-term care services. Joe also managed evaluations of the Virginia Retirement System, Virginia Fair Housing Office, land records system, State Board of Elections, and Virginia Department of Transportation.

Joe received his B.A. in Political Science from the State University of New York at Albany, and an M.P.A. from New York University. Joe is also a graduate of the Virginia Executive Institute and the Commonwealth Management Institute.

ATTENTION—WORD 2007 AND INTERNET EXPLORER 8 USERS

Recently, we've become aware that some RIS users who upgraded to Word 2007 or Internet Explorer 8 have had questions about or experienced difficulties with RIS.

Word 2007: Users have called saying they cannot find the RIS toolbar or RIS styles. The toolbar in Word 2007 is treated as an add-in, and styles are under an icon that is difficult to see. In addition, you may need to make changes to your Control Panel settings. The link [Word 2007 & RIS](#) explains what to do. If you are prompted to run an "add-in," it is safe to do so.

Internet Explorer 8: Users who have upgraded to Internet Explorer 8 may experience difficulties, too. Your "trusted sites" and the "access across domains" settings may need to be reset. The link [Internet Explorer 8 & RIS](#) explains how to do this reset. Enabling "access across domains" makes IE8, Word, and RIS talk to each other.

Both instruction documents are posted on our website at <http://register.dls.virginia.gov/coordinatorresources.htm>.

VIRGINIA REGISTER PUBLICATION SCHEDULE

Documents Filed by Noon	Will be Published
June 1	June 20
June 15	July 4
June 29	July 18
July 13	August 1
July 27	August 15
August 10	August 29

For publication schedule, click [here](#).