Chapter 10 *Guidance Documents*

This chapter contains detailed instructions that are intended for state agency users.

These instructions outline the various steps, choices, and options available to you when managing a public comment forum for changes to guidance documents. This process has been designed to facilitate compliance with § 2.2-4002.1 of the Code of Virginia, which requires public comment forums for guidance documents.

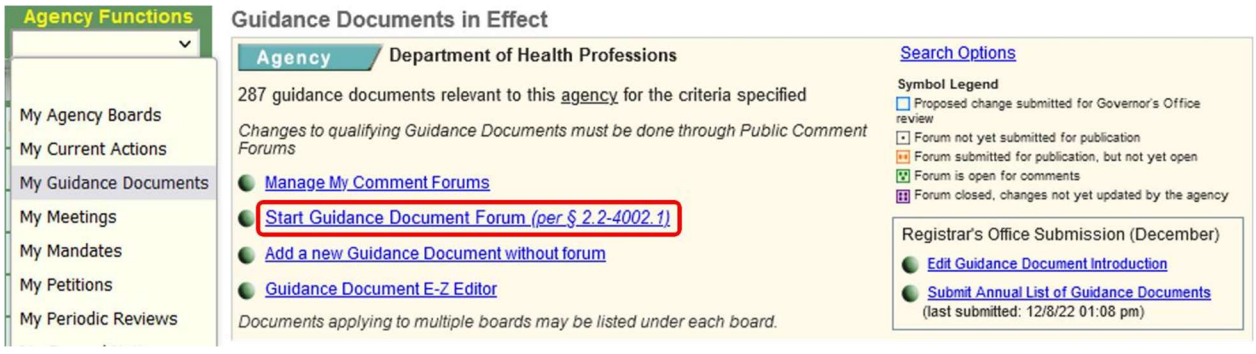
These instructions consist of four parts:

1. Where to find your guidance document public comment forums (page 1).
2. Considerations before you start a guidance document public comment forum (page 2).
3. How to start a public comment forum and then submit it for publication in the *Virginia Register of Regulations* (page 3).
4. After the guidance document public comment forum closes (page 9).

Where to find your guidance document public comment forums

On the Agency Functions dropdown list at the top of the menu bar, select "My Guidance Documents."

You will then see the screen below, including the link to "Start Guidance Document Forum (per § 2.2-4002.1)." If you need to take action on an existing guidance document public comment forum, click on "Manage My Comment Forums."



Considerations before you start a guidance document public comment forum

If you have more than one guidance document to add, change, or delete, please carefully consider whether this is best accomplished in a single comment forum or whether you should open multiple forums.

Are the Changes Similar?

If you are making similar or related changes (e.g., you are changing contact information), it may make sense to group all the guidance documents in one public comment forum because the comments would all be addressing the same change in each guidance document.

If you are making different changes to different documents, it may be preferable to open a separate forum for each guidance document, for clarity and in order to avoid confusion. Otherwise, you may not know which guidance document a comment pertains to.

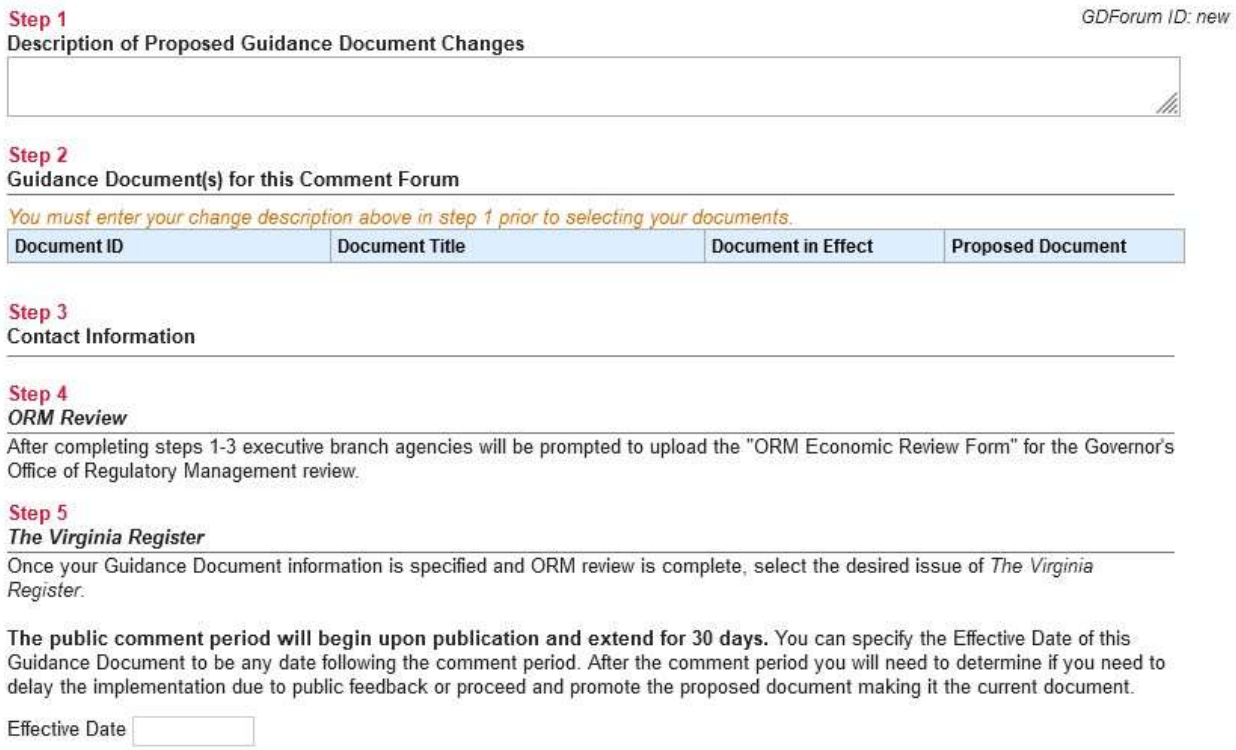
Will Your Response to Comments Be Similar?

Once the public comment period has closed for a forum, you will have to select one of three options (i.e., decide whether to retain the effective date, to delay the effective date for 30 days, or to abandon/withdraw all of the proposed changes). These options are discussed on page 11.

The choice you make will apply to ALL of the guidance documents in a single public comment forum. The design of Town Hall does not allow the ability to apply different choices to different guidance documents (e.g., make some guidance documents effective, while delaying the effective date of other guidance documents), so it is especially important to be thoughtful and consider the ramifications if you include several guidance documents within a single comment forum.

How to start a public comment forum and then submit it for publication in the *Virginia Register of Publication*

Once you have selected "Start Guidance Document Forum (per § 2.2-4002.1)", you will see a screen with four steps (as indicated below).



You must complete each step before you can proceed to the next step, and all four steps must be completed before you can submit your proposed guidance document changes to the Virginia *Register of Regulations (Register)* for publication and the opening of the public comment forum on Town Hall on the date of publication. After the forum concludes, you need to finalize the proposed changes. At a high level, the pre-publication process consists of the following:

1. Step 1, describe the proposed changes.
2. Step 2, identify the guidance documents that will be added, amended, or deleted; this may require you to upload a new or amended document(s).
3. Step 3, verify the contact information for the public comment forum.
4. Step 4. submit the proposed changes to the *Register* for publication. A 30-day public comment forum will begin when the changes are published.

After the comment forum closes, you will have to take two steps:

1. Step 1, select one of three options: retain the current effective date and/or delete the guidance document proposed to be deleted; delay the effective date for 30 days; or

withdraw (or abandon) the proposed changes in their entirety and leave the guidance document(s) "as is."
2. Step 2, either make effective the proposed document that appeared in the forum or upload a revised document.

Step 1 requires you to briefly describe the nature of the changes you will be making to your guidance documents. Once you are finished, click the "Save" button, which will appear as soon as you start typing in the text box. Note that you can further edit this description at any time before submitting the forum to the *Register*.

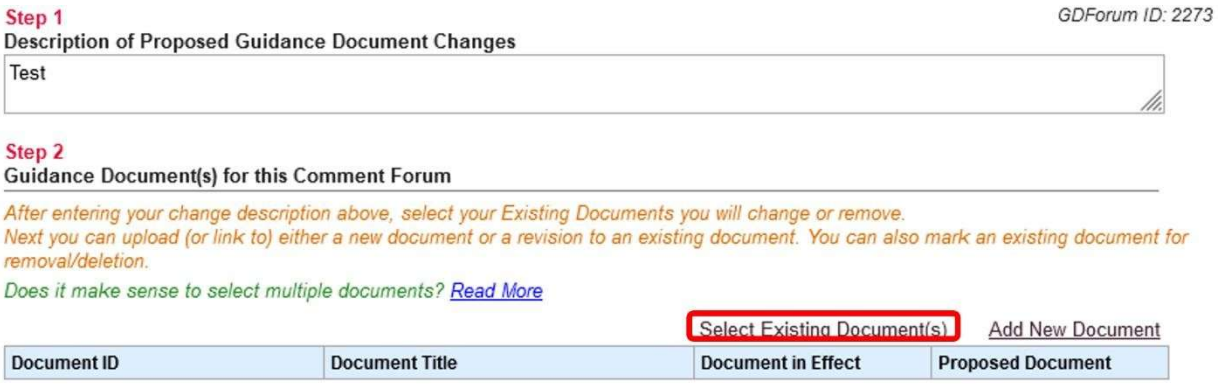
Step 2 requires you to identify the guidance document(s) that will change and upload the proposed guidance document(s), if applicable. Specifically, you will have two options:

1. Select an existing document to update or delete (see page 4), or
2. Add a brand new guidance document (see page 7).

These instructions will describe how to use each option, beginning with selecting an existing document to update or delete.

Option 1: select an existing document to update or delete

1. To update or delete an existing document, click "Select Existing Document" as illustrated on the screen below.

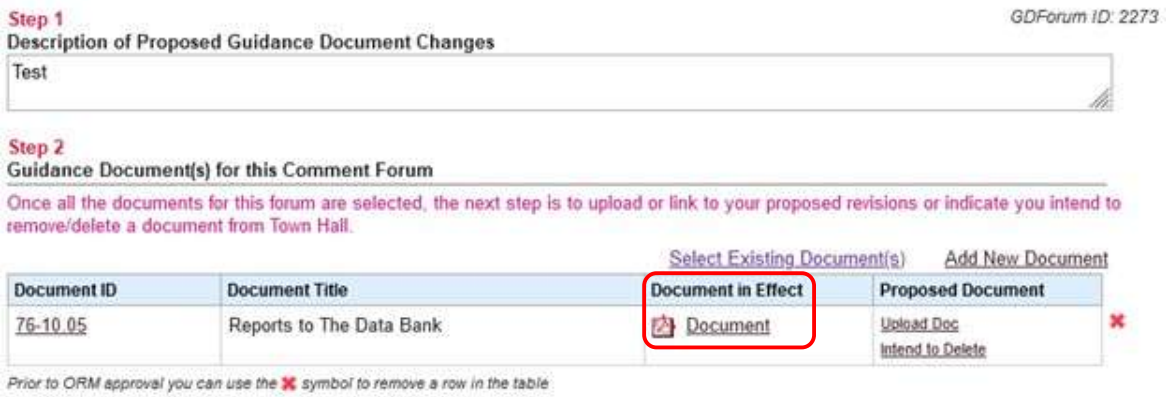


2. Next, a list of all your guidance documents will appear, as shown in the next image.

3. To the left of each guidance document will be a checkbox. Click the checkbox next to each guidance document that you wish to update or delete.

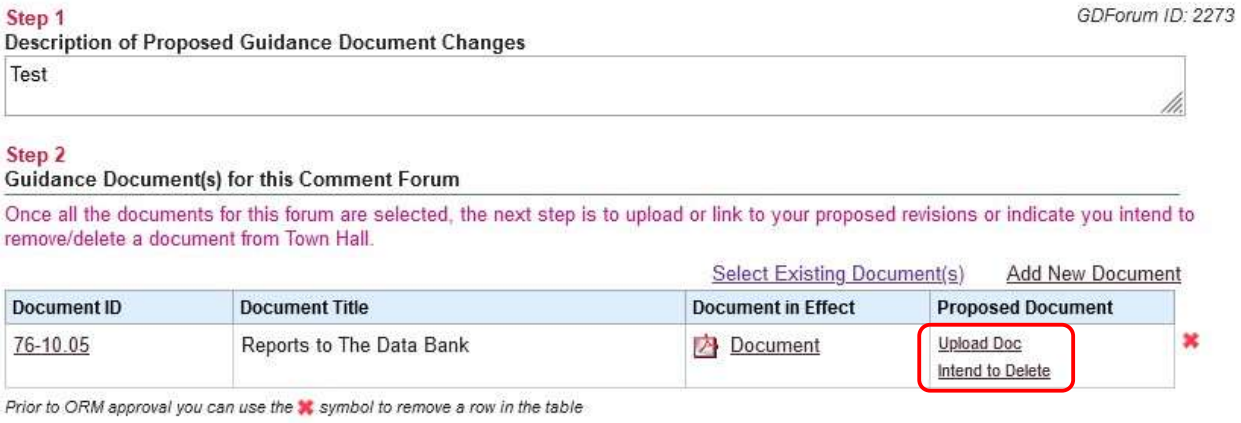
4. To save your work, be sure to click the "Save" button at the bottom of this page.

(Notice how two of the guidance documents on the screen above cannot be selected. This is because these guidance documents are currently being changed in another public comment forum.) After clicking the “Save” button, you will be returned to the previous screen, which will now look similar to the one below. The document(s) you selected will now be displayed under the “Document in Effect” column.

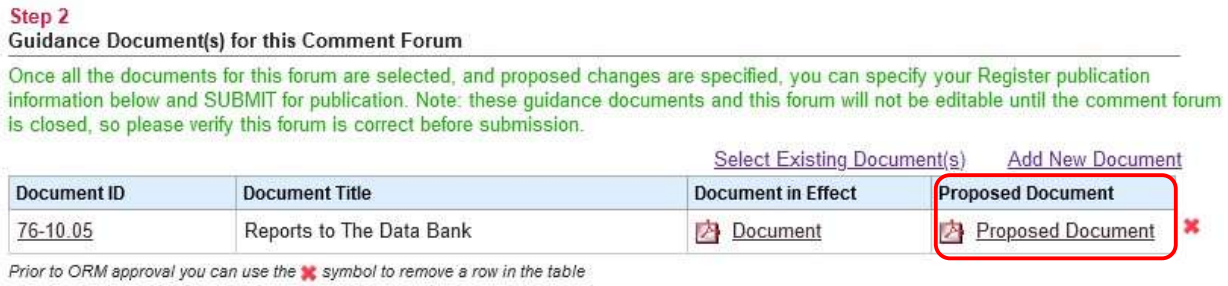


The next step is to complete the "Proposed Document" column. Here you have two options as indicated below:

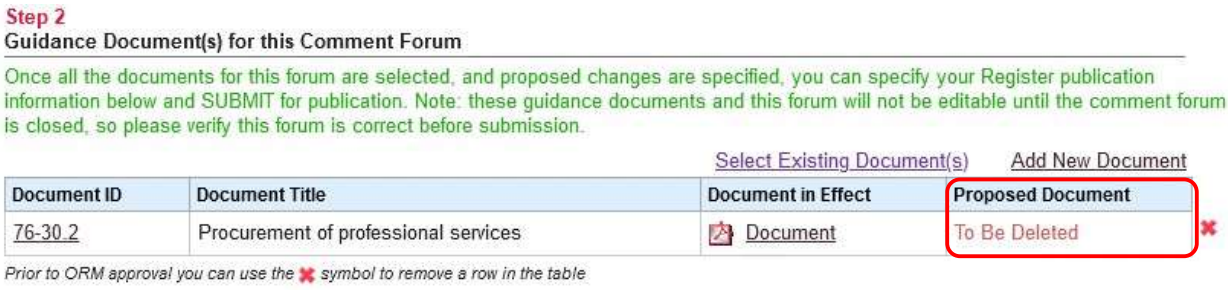
1. Upload Doc: If you plan to replace the existing guidance document that you just selected, then you should click on "Upload Doc."
2. Intend to Delete: If you plan to delete the existing guidance document that you just selected, then you should click on "Intend to Delete."



The image below shows the screen after uploading a new document to replace the existing one.



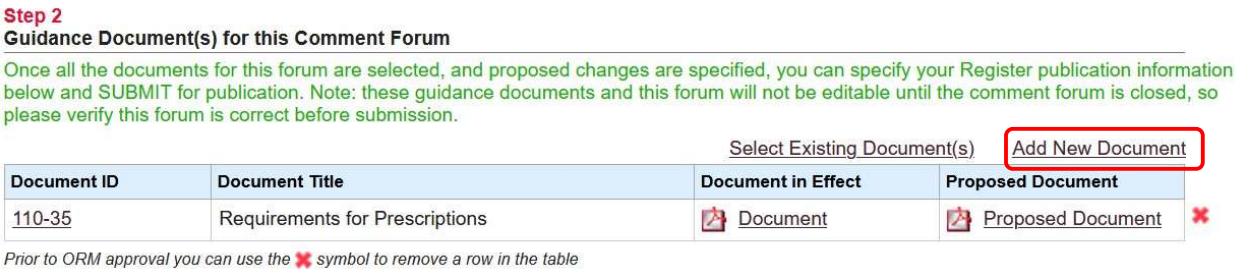
The image below shows the screen after selecting "Intend to Delete."



See the red x at the end of each row? You may use this to delete a row in case you make a mistake. Then you can then click on "Add New Document" to start over. You can make edits like this until you submit the public comment forum to the Register for publication.

Option 2: Add a Brand New Guidance Document

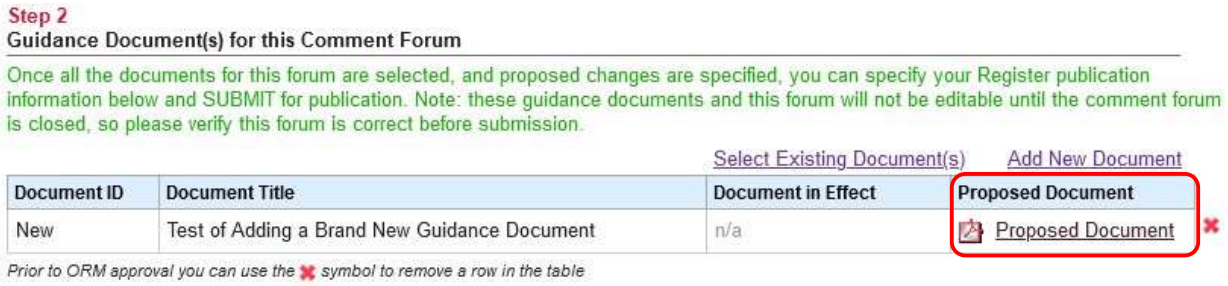
If you are issuing a brand new guidance document, and are not replacing or deleting an existing one, then click on "Add New Document" as shown below in red:



After you click this link:

a. You will be prompted to give the new guidance document a title. (You may also assign it an optional agency document ID.)
b. After entering the title, you must upload a new document.

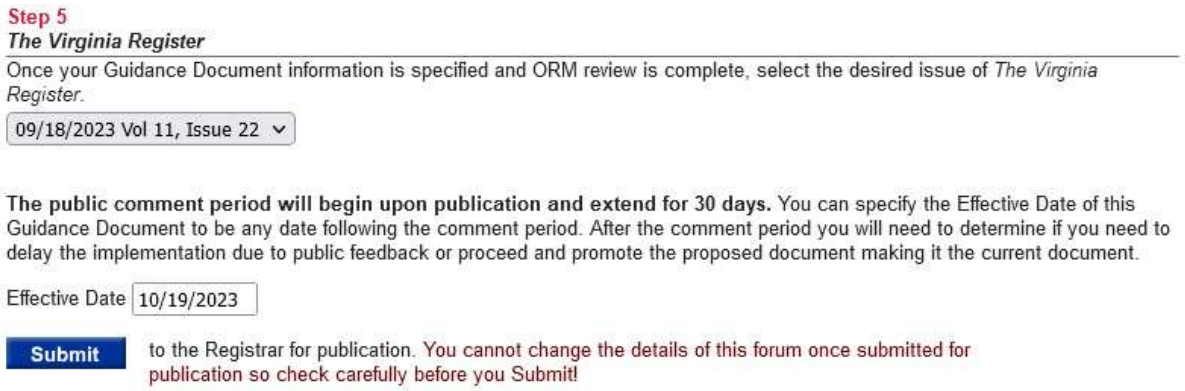
The image below shows the screen after uploading a new document.



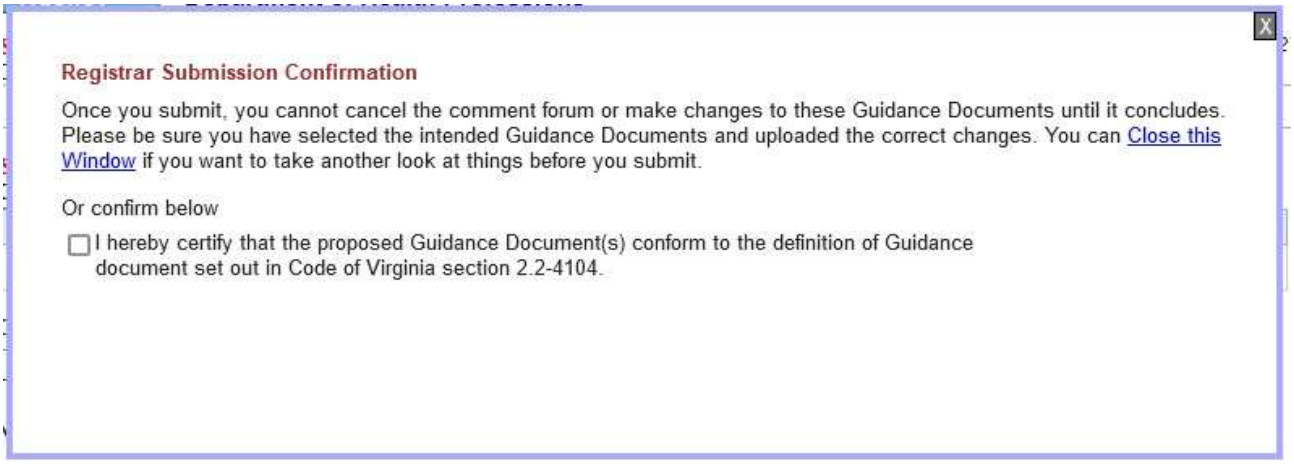
Step 3 requires you to verify that the contact information for the public comment forum is correct. If it is, you do not need to do anything. If it needs to be changed, select "No" and enter the correct information.

At this point, please make sure everything about this forum looks correct.

Step 4 requires you to complete the *Register* publication information and submit the forum for publication. It will default to the next publication date but you can select a future publication date if needed. (This works very similar to the process of submitting a regulatory stage to the *Register* for publication.) Note: In compliance with Code § 2.2-4002.1, the default effective date will be set as the 31st day after publication, but you can make it later if you wish.

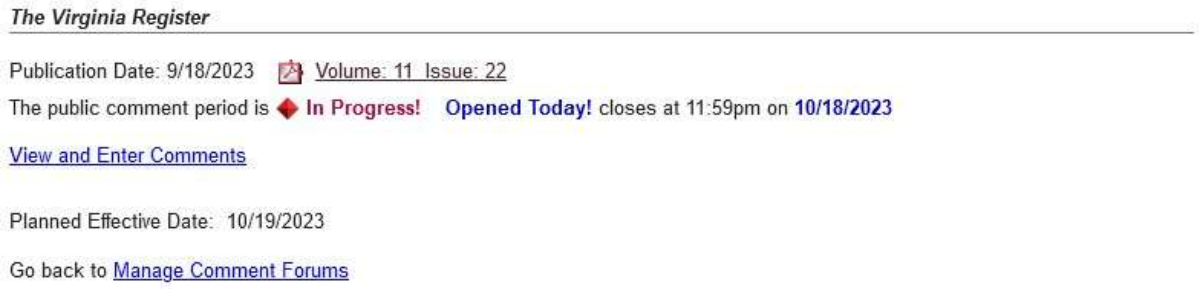


Before you can submit the forum to the Registrar, a pop up box will appear (pictured below). You will need to click this box to certify that any proposed guidance document conforms to the definition of a guidance document in § 2.2-4101. This is a legal requirement in § 2.2-4002.1 of the Code of Virginia.



Warning: After you click the "Submit" button, these guidance documents and this forum will be locked and you will not be able to edit them or make other changes until after the comment forum has been closed, so please verify that all information is correct before clicking "Submit."

The image below shows Step 4 after submitting the guidance document to the Registrar.



The 30-day public comment forum

Five days before notice of the guidance document public comment forum is published in the *Register*, notification will automatically be sent out to Town Hall registered public users. Public comment forums for guidance documents operate and can be managed in the same way as those opened for regulatory proposals.

After the public comment forum closes

Immediately after the public comment forum closes, you have to complete two final steps in order to complete the process. At a high level, these steps are:

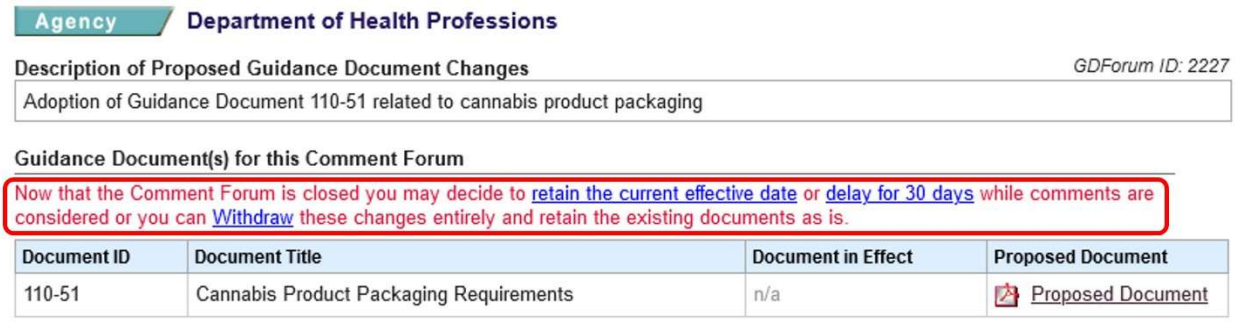
1. Step 1: choose from one of three options: retain or change the effective date, delete a document that you indicated would be deleted, or abandon all changes and leave any existing guidance documents "as is. (page 11).
2. Step 2: finalize the forum by taking final action on each guidance document. This involves deciding whether to make the proposed guidance document (the one that was part of the forum) your final guidance document, or whether to instead use a revised guidance document.

Step 1 requires you to choose one of three options:

1. Retain the current effective date and/or delete the guidance document proposed to be deleted;
2. Delay the effective date for 30 days; or
3. Withdraw (or abandon) the proposed changes in their entirety and leave the guidance document(s) "as is." This will leave the guidance document just as it was before the forum began.

Please be advised that you need to make the same decision for all your documents in the forum. (See the Appendix for factors to consider when determining whether to put multiple documents in one public comment forum.)

You can make your choice by clicking on the corresponding link (highlighted in the red box on the screen below).


Agency Department of Health Professions

Description of Proposed Guidance Document Changes GDForum ID: 2227

Adoption of Guidance Document 110-51 related to cannabis product packaging

Guidance Document(s) for this Comment Forum

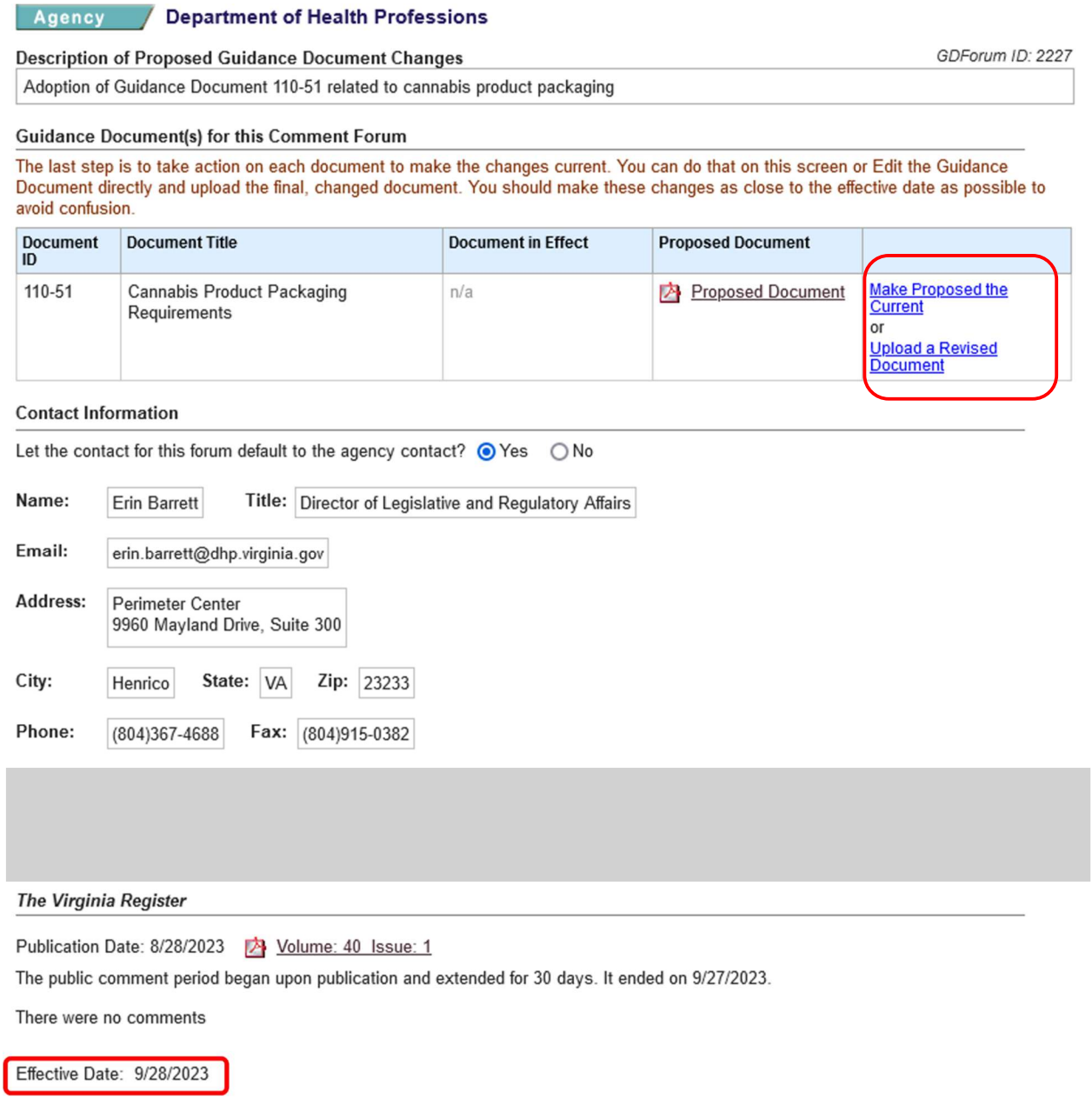
Now that the Comment Forum is closed you may decide to retain the current effective date or delay for 30 days while comments are considered or you can Withdraw these changes entirely and retain the existing documents as is.

Document ID	Document Title	Document in Effect	Proposed Document
110-51	Cannabis Product Packaging Requirements	n/a	Proposed Document

Option 1: Retain the current effective date and/or delete the guidance document that was proposed to be deleted.

Under option 1 you have two choices. If you are adding or amending a guidance document, you can chose to retain the effective date of the document (the date you entered before the forum began). Or, if you intend to delete the guidance document, you can proceed with deletion.

If you decide to retain the effective date of your guidance document, your screen will look something like this:


Agency Department of Health Professions

Description of Proposed Guidance Document Changes GDForum ID: 2227

Adoption of Guidance Document 110-51 related to cannabis product packaging

Guidance Document(s) for this Comment Forum

The last step is to take action on each document to make the changes current. You can do that on this screen or Edit the Guidance Document directly and upload the final, changed document. You should make these changes as close to the effective date as possible to avoid confusion.

Document ID	Document Title	Document in Effect	Proposed Document	
110-51	Cannabis Product Packaging Requirements	n/a	Proposed Document	Make Proposed the Current or Upload a Revised Document

Contact Information

Let the contact for this forum default to the agency contact? (•) Yes ( ) No

Name: Erin Barrett Title: Director of Legislative and Regulatory Affairs

Email: erin.barrett@dhp.virginia.gov

Address: Perimeter Center
9960 Mayland Drive, Suite 300

City: Henrico State: VA Zip: 23233

Phone: (804)367-4688 Fax: (804)915-0382

The Virginia Register

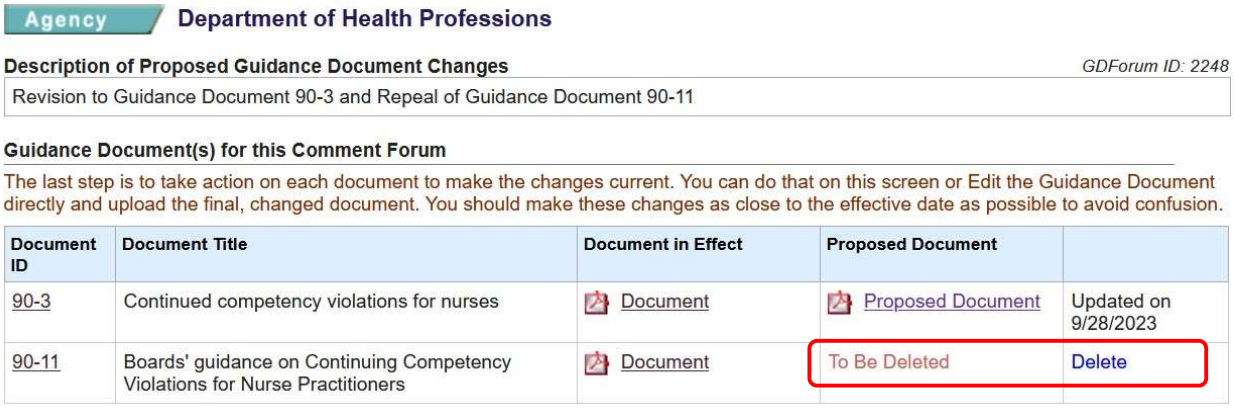
Publication Date: 8/28/2023 Volume: 40 Issue: 1

The public comment period began upon publication and extended for 30 days. It ended on 9/27/2023.

There were no comments

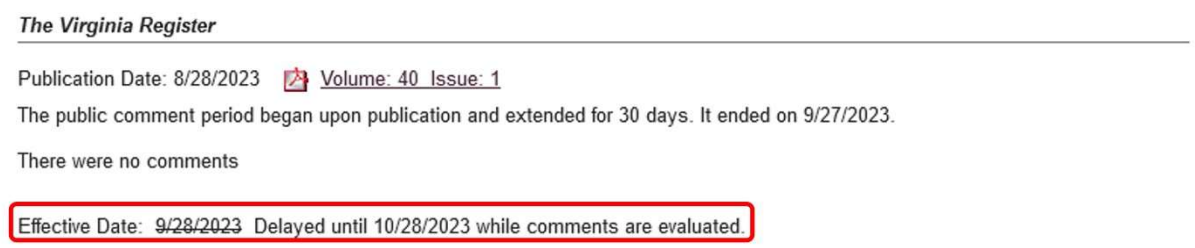
Effective Date: 9/28/2023

If you have proposed to delete a guidance document, your screen will look something like this:



Option 2: Delay the effective date for 30 days.

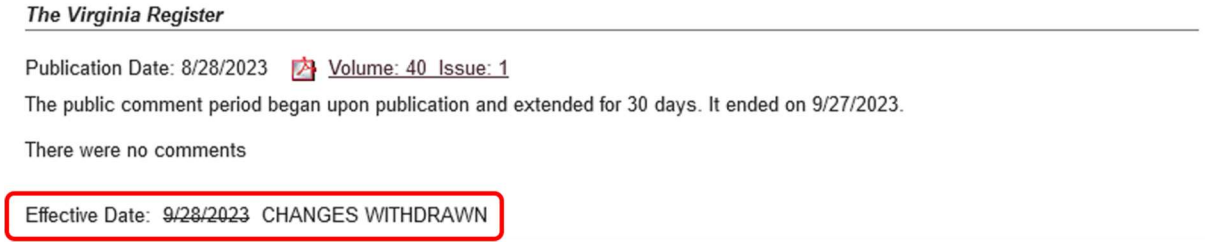
Option 2 applies if you are adding or amending a guidance document, but you need to extend the effective date per § 2.2-4002.1 of the Code of Virginia. If you choose a 30-day delay for the effective date of your guidance document, your screen will look something like this:



After the 30-day delay, you will need to finalize your guidance document, as described in Step 2 below.

Option 3: Withdraw the changes proposed to your guidance document.

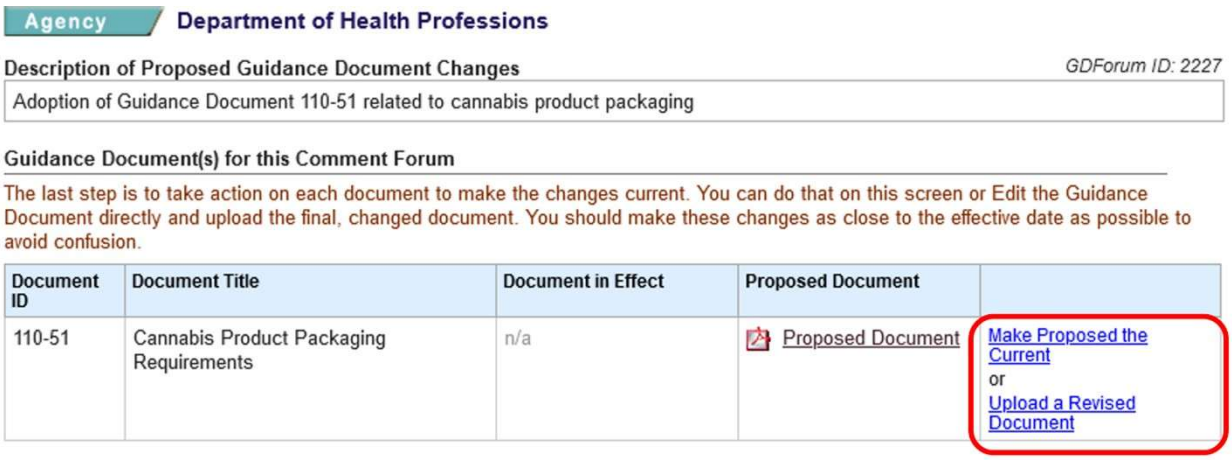
If you choose to abandon or withdraw all the changes associated with the public comment forum, the screen will look something like this:



Note that the forum will continue to be on the Town Hall website even if the proposed changes are withdrawn.

Step 2 requires you to **take final action** on each guidance document. You should make these changes as close to the effective date as possible in order to avoid confusion. If you are creating a new guidance document or amending an existing document, follow these directions:

As indicated by the options circled in red below, you can either make effective the proposed document that appeared in the forum by clicking on "Make Proposed the Current," or you can select the option to "Upload a Revised Document" which would be the original proposed document with additional changes made in response to public comment. See the red box below for an example.



Agency **Department of Health Professions**

Description of Proposed Guidance Document Changes *GDForum ID: 2227*

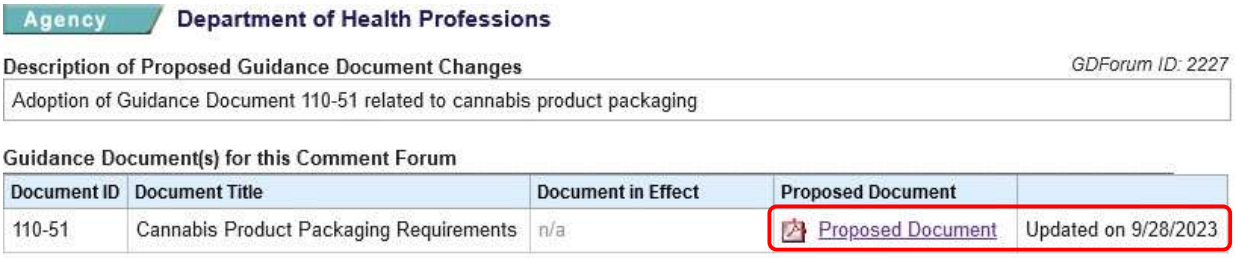
Adoption of Guidance Document 110-51 related to cannabis product packaging

Guidance Document(s) for this Comment Forum

The last step is to take action on each document to make the changes current. You can do that on this screen or Edit the Guidance Document directly and upload the final, changed document. You should make these changes as close to the effective date as possible to avoid confusion.

Document ID	Document Title	Document in Effect	Proposed Document	
110-51	Cannabis Product Packaging Requirements	n/a	Proposed Document	Make Proposed the Current or Upload a Revised Document

Once you make your choice, the screen will change to show that the guidance document has been updated. See the red box below for an example. (Note, the screen looks the same regardless of which choice you made.)



Agency **Department of Health Professions**

Description of Proposed Guidance Document Changes *GDForum ID: 2227*

Adoption of Guidance Document 110-51 related to cannabis product packaging

Guidance Document(s) for this Comment Forum

Document ID	Document Title	Document in Effect	Proposed Document	
110-51	Cannabis Product Packaging Requirements	n/a	Proposed Document	Updated on 9/28/2023

If you are deleting a guidance document, follow these directions:

For forums where one or more of the guidance documents is proposed to be deleted, click the "Delete" button to eliminate your guidance document. Note: This will remove your guidance document completely from the Town Hall database. Below is what the screen will look like:

Agency **Department of Health Professions**

Description of Proposed Guidance Document Changes *GDForum ID: 2248*

Revision to Guidance Document 90-3 and Repeal of Guidance Document 90-11

Guidance Document(s) for this Comment Forum

Document ID	Document Title	Document in Effect	Proposed Document	
90-3	Continued competency violations for nurses	Document	Proposed Document	Updated on 9/28/2023
90-11	Boards' guidance on Continuing Competency Violations for Nurse Practitioners	Document	To Be Deleted	Deleted on 10/5/2023