



Economic Impact Analysis Virginia Department of Planning and Budget

22 VAC 30-70 –The Virginia Guardianship and Conservator Program
Department of Social Services
December 18, 2013

Summary of the Proposed Regulation

As mandated by Chapter 322 of the 2012 Acts of the Assembly, the Department of Aging and Rehabilitative Services (DARS) proposes to amend regulations that govern the Virginia Guardianship and Conservator Program to allow individuals served under this program more input into how and by whom services are provided.

Result of Analysis

Benefits likely exceed costs for all proposed regulatory changes.

Estimated Economic Impact

In 2011, the General Assembly passed a joint resolution that requested human services agencies to adopt and implement “person-centered practices” that supported individuals receiving services in expressing preferences and making choices about who provided their services and how those services are provided. In 2012, the General Assembly passed a law mandating such person-centered practices. DARS now proposes to conform these regulations to that mandate by adding language requiring guardians and conservators, to the extent feasible, to be guided by principles that: 1) focus on the expressed preferences, personal values and needs of individuals that are under guardianship, 2) allow individuals to have a say in the planning of their lives and 3) provide individuals with information and support to help them in making plans.

No guardian program in the Commonwealth is likely to incur costs on account of these proposed regulations because they do not mandate any additional actions or paperwork; instead they just require that guardians consider, and when possible support, the preferences of their

clients. Individuals who are subject to guardianship will likely benefit from policies that allow them more control over how decisions affecting them are made.

Businesses and Entities Affected

DARS staff reports that there are 14 public programs that hold guardianship of approximately 600 individuals in the Commonwealth. All of these programs and individuals will be affected by these proposed changes.

Localities Particularly Affected

No locality will be particularly affected by these proposed regulations.

Projected Impact on Employment

These proposed regulations are unlikely to have any impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulations are unlikely to have any effect on the use and value of any private property.

Small Businesses: Costs and Other Effects

No small businesses will be affected by these proposed regulations.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small businesses will be affected by these proposed regulations.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses,

Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.