



Economic Impact Analysis Virginia Department of Planning and Budget

**22 VAC 40-740 – Adult Protective Services
Department of Social Services
October 6, 2011**

Summary of the Proposed Amendments to Regulation

The State Board of Social Services (Board) proposes to amend its regulations that govern adult protective services to clarify regulatory content, add a review of requests to impose civil penalties and add a new section to lay out the due process rights of alleged perpetrators.

Result of Analysis

Benefits likely outweigh costs for all proposed changes.

Estimated Economic Impact

Most of the changes that the Board proposes for these regulations only move around current requirements or reword current requirements. Regulated entities are unlikely to incur any costs on account of these changes but will get the benefit of added clarity.

Current regulations allow civil fines to be leveled against mandated abuse reporters who fail to report suspected abuse of vulnerable adults. These proposed regulations add a requirement that all letters to affected mandated reporters go by certified mail with a return receipt requested and also add a process by which the commissioners designee will review any requests to impose civil penalties. Board staff reports that these requirements will cost Local Departments of Social Services(LDSS) approximately \$5.00 per letter sent to mandated reporters who are subject to possible civil penalties. Mandated reporters will benefit from these regulatory changes that ensure every effort is made to make sure they stay informed and have a review process before civil penalties are imposed.

The Board also proposes to add new regulatory language that lays out the process by which individuals who have founded allegations of abuse, neglect or exploitation of a vulnerable

adult may appeal that LDSS ruling. Board staff reports that adding this review process will cost the state approximately \$121,000. These costs are likely outweighed by the benefits of having due process protections that accrue to both the public at large and to alleged perpetrators.

Businesses and Entities Affected

These proposed regulatory changes will affect all 120 local Departments of Social Services.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This proposed regulatory action is unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

No small business is likely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small business is likely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the Board the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, 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 adverse effect on small businesses, Section 2.2-4007.H 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.