



Virginia Department of Planning and Budget **Economic Impact Analysis**

22 VAC 45-100 Regulations Governing Deaf-Blind Services
Department for the Blind and Vision Impaired
Town Hall Action/Stage: 5422/8813
April 6, 2020

Summary of the Proposed Amendments to Regulation

The Department for the Blind and Vision Impaired (DBVI) proposes to amend 22 VAC 45-100 *Regulations Governing Deaf-Blind Services* to update the definitions of key terms to match the Code of Virginia or United States Code, as well as to update the title of the regulation, the name of the agency, and the names of the services they provide.

Background

DBVI seeks to update definitions for terms associated with the communities they serve to be consistent with the Code of Virginia and the United States Code and to reflect the typical contemporary usage of these terms. In particular, DBVI proposes the following definitions:

- "Blind person," as defined in § 51.5-60 of the Code of Virginia, means an individual who has central visual acuity of 20/200 or less in the better eye, as measured with best correction, or a limitation in the field of vision in the better eye, such that the widest diameter of the visual field subtends an angle of 20 degrees or less.¹
- "Persons who are deaf," as defined in § 51.5-111(1) of the Code of Virginia, means individuals whose hearing is totally impaired or whose hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken communication is through visual input such as lip-reading, sign language, finger spelling, reading, or writing.²

¹ See § 51.5-60 of the Code of Virginia: <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0088>

² See § 51.5-111(1) of the Code of Virginia: <https://law.lis.virginia.gov/vacode/title51.5/chapter13/section51.5-111/>

- Persons who are hard-of-hearing," as defined in § 51.5-111(2) of the Code of Virginia, means individuals whose hearing is impaired to an extent that makes hearing difficult but does not preclude the understanding of spoken communication through the ear alone, with or without a hearing aid.
- "Persons who are deafblind," pursuant to 29 USC § 1905(2)(A) and 20 USC § 1905(2)(B), means individuals: (i) who have central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual fields subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both of these conditions; (ii) who have a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; (iii) for whom the combination of impairments described in this definition cause extreme difficulty in attaining independence in daily life activities, achieving psychological adjustment or obtaining a vocation; and (iv) who, despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessments to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychological adjustment or obtaining vocational objectives.³

Since “deaf-blind” is now written as “deafblind” the title of the regulation would also be amended to reflect this change. Definitions of “severely visually impaired” and “speech discrimination” would remain unchanged.

Estimated Benefits and Costs

The proposed amendments benefit readers of the regulation, especially deafblind individuals, their families, caregivers and advocates, by improving the clarity of the language. It does not introduce any additional costs.

³ See <https://www.law.cornell.edu/uscode/text/29/1905>

Businesses and Other Entities Affected

Readers of the regulation, especially deafblind individuals, their families, caregivers and advocates would be affected. The proposed amendments do not introduce any new costs for businesses or other entities.

Small Businesses⁴ Affected

The proposed amendments do not directly affect any small businesses, nor would they face any new costs as a result of the proposed amendments.

Localities⁵ Affected⁶

The proposed amendments do not disproportionately affect any specific localities, nor introduce new costs for local governments.

Projected Impact on Employment

The proposed amendments are unlikely to cause any changes to total employment.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to affect the use or value of private property. Real estate development costs are unlikely to be affected.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

⁴ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁵ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁶ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.