



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 35-210 –Regulations to Govern Temporary Leave from State Mental Health and State Mental Retardation Facilities State Mental Health, Mental Retardation, and Substance Abuse Services Board August 1, 2005

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G 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. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

Pursuant to Section 37.1-98 (B) of the Code of Virginia, the State Mental Health, Mental Retardation, and Substance Abuse Services Board (the board) proposes to adopt permanent regulations governing temporary leave from state mental health and mental retardation facilities.

Estimated Economic Impact

The section 37.1-98 (B) of the Code of Virginia establishes that consumers may be granted temporary leaves from state mental health and mental retardation facilities in accordance with regulations adopted by the board. The Department of Mental Health, Mental Retardation and Substance Abuse Services (the department) has developed administrative policies to govern temporary leave practices, but regulations have not been adopted by the board. In order to comply with the statute, the board proposes to adopt the current temporary leave policies of the department as permanent regulations.

The proposed regulations provide a facility director the authority to grant three types of temporary leaves: short-term day passes, family visits, and trial visits. The proposed regulations also establish general requirements and administrative processes that must be followed in granting of temporary leaves and in the event of an individual's failure to return to the facility. According to the department, all of the proposed requirements have been followed in practice since 1998 under its temporary leave policy. Thus, the proposed regulations are not expected to create any significant economic impact upon promulgation. However, adoption of the current department policy as regulations will provide public the opportunity to participate in the rulemaking process and will more strongly standardize the temporary leave practices among different facilities.

Businesses and Entities Affected

The proposed regulations apply to 14 state mental health and mental retardation facilities that provide services to an average daily population of 3,500 individuals.

Localities Particularly Affected

The proposed regulations apply throughout the Commonwealth.

Projected Impact on Employment

The proposed regulations are not expected to have any significant impact on employment.

Effects on the Use and Value of Private Property

No significant impact on the use and value of private property is expected.

Small Businesses: Costs and Other Effects

The proposed regulations should not affect small businesses as they apply to 14 state facilities.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulations do not apply to small businesses.