

Office of Regulatory Management
Economic Review Form

Agency name	Department of Behavioral Health and Developmental Services
Virginia Administrative Code (VAC) Chapter citation(s)	N/A
VAC Chapter title(s)	N/A; re Code of Virginia §§ 19.2-169.1 and 19.2-169.2
Action title	NEW Guidance: FOR 06 – Additional Information Regarding 2023 Changes to §§ 19.2-169.1 and 19.2-169.2 (SB1507/HB1908).
Date this document prepared	8/31/2023
Regulatory Stage (including Issuance of Guidance Documents)	N/A

Cost Benefit Analysis

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>This economic impact analysis is regarding a guidance memo issued to forensic evaluators approved by DBHDS to complete adult pretrial evaluations. The memo details the modifications made to the Code of Virginia §§ 19.2-169.1 and 19.2-169.2 resulting from the passage of SB1507/HB1908 by the 2023 Session of the Virginia General Assembly. The memo does not contain any requirements for providers other than those included in the referenced code sections. Therefore, the memo does not result in any costs or benefits to providers, local partners, families, or small businesses.</p> <p>The fiscal impact statement (FIS) of SB1507/HB1908 notes that the legislation may result in some cost avoidance, as it would allow individuals to be civilly committed as opposed to being sent for restoration of competency treatment at a state facility. This monetary value of this potential benefit is indeterminate.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources		

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>The status quo alternative in this scenario would be if the department did not issue a memo detailing the legislative changes associated with SB1507/HB1908. This memo, or lack thereof, has no substantive impact on providers regulated by the department. Any impact referenced in this memo is a result of the legislative changes of SB1507/HB1908, not the memo issued by the department.</p> <p>The benefit described in Table 1a would not be seen if the legislation had not taken effect. However, the issuance of this guidance document following the passage of the SB1507/HB1908 has no direct fiscal impact.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources		

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>There is no substantive alternative to the issuance of this memo. The only alternative is to not issue the memo. See Table 1b.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources		

Impact on Local Partners

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>There are no costs or benefits associated with the issuance of this memo.</p> <p>The FIS of SB1507/HB1908 notes that the legislation may result in a potential fiscal impact for local courts and law enforcement agencies, as the legislation requires law enforcement transfer the defendant to a location designated by the community services board or the behavioral health authority. However, this is only in situations where a defendant for whom an evaluation has been ordered fails or refuses to appear for the evaluation. The fiscal impact is unclear, as there is not yet sufficient data to determine if this change has resulted in any costs.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Assistance		
(5) Information Sources		

Impacts on Families

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	There are no costs or benefits associated with the issuance of this memo. See Table 1a.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Information Sources		

Impacts on Small Businesses

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	There are no costs or benefits associated with the issuance of this memo. See Table 1a.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Alternatives		
(5) Information Sources		

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

Change in Regulatory Requirements

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
	Statutory:				
	Discretionary:				

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

- **For the above three tables:** DBHDS guidance is not enforceable and therefore has no mandates. Further, this memo provides explanation regarding 2023 changes to §§ [19.2-169.1](#) and [19.2-169.2](#) of the Code of Virginia ([SB1507/HB1908](#)).

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length
<u>NEW</u> FOR 06 Additional Information Regarding 2023 Changes to §§ 19.2-169.1 and 19.2-169.2	3 pages	n/a	<i>New; therefore, n/a.</i>