



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 35-200 – Regulations for Respite and Emergency Care Admission to State Training Centers
Department of Mental Health, Mental Retardation and Substance Abuse Services
October 29, 2007

Summary of the Proposed Regulation

The State Mental Health, Mental Retardation and Substance Abuse Services Board (Board) proposes to revise the existing Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities. The required materials for application for respite services will be revised to include a written statement from the individual, a family member, or authorized representative that specifically requests services in the facility. The timeframe for decision-making on admission requests for respite services will be revised to be more specific. Several definitions will be revised for clarity and consistency with the Code of Virginia and other regulations of the Board. Code references will be updated.

Results of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities provide legal guidance for individuals that need respite or emergency services in state facilities. According to the regulation, applications for respite services in state facilities shall be processed through the case management community services board (CSB). A parent, guardian or authorized representative seeking respite services for an individual with mental retardation shall apply first to the CSB that serves the area where the individual, or if a minor, his parent or guardian, is currently residing. If the CSB determines that respite services for the individual are not available in the community, it shall forward the application to the facility serving individuals

with mental retardation from that geographic section of the state in which the individual, or his parent or guardian, is currently residing.

The Board proposes to add a provision that requires a statement from the individual, a family member, or authorized representative that specifically requests services in the facility for the application for respite services. No such statement is required under the current regulations. This additional requirement will help to ensure that the services meet the individual's need and will likely expedite the processing of the application. According to DMHMRSAS, a handwritten request would be considered adequate. Therefore, this proposed change will likely benefit individuals who need respite services in state facilities without creating any significant costs to the individuals, their family members, or authorized representatives.

Under the current regulations, the facility director, or designee, shall provide written notice of his/her decision to CSB within a reasonable time of receipt of the completed application for respite services. The proposed regulation will require that decision be made by the end of the next working day following receipt of a complete application package. This proposed change will standardize the timeframe for decision-making and will help to ensure timely response from the facility. According to DMHMRSAS, the processing time for a respite admission is typically two days. Therefore, the proposed change will benefit the individuals seeking respite services in state facilities without creating any significant costs to the facilities.

The Board also proposes to revise several definitions for clarity and consistency with the Code of Virginia and other regulations of the Board. The title of this regulation will be changed from "Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities" to "Regulations for Respite and Emergency Care Admission to State Training Centers" to be consistent with the language in the Code of Virginia.¹ Code references in the regulations will be updated to reflect the re-codification of §§ 37.1 to §§ 37.2 effective October 1, 2005. These proposed changes will improve clarity of the regulations, reduce possible confusion for staff and the public, and will likely expedite the admission process for respite or emergency services. The proposed regulations will ensure that individuals who need respite or emergency services in state facilities have access to such services when necessary and

¹ According to § 37.2-100 of the Code of Virginia, "state training center" means a facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for the treatment, training, or habilitation of persons with mental retardation.

appropriate, which will better protect the health and welfare of the citizens in the Commonwealth. Language that quotes the Code of Virginia will be replaced with references to the Code, which will save the cost of future time spent on revision of the regulations as a consequence of statutory changes.

Businesses and Entities Affected

Currently there are five state training centers and 39 local community services boards in the Commonwealth of Virginia. DMHMRSAS estimates that there are approximately 200-250 annual requests for respite admissions statewide.

Localities Particularly Affected

The proposed regulations apply to all localities in the Commonwealth.

Projected Impact on Employment

The proposed changes will likely not have any impact on employment.

Effects on the Use and Value of Private Property

The proposed changes will likely not have any impact on the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed changes will not directly affect any small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed changes will not directly affect any small businesses.

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 21 (02). Section 2.2-4007.04 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 2.2-4007.04 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.