



Economic Impact Analysis Virginia Department of Planning and Budget

**22 VAC 40-745 – Assessment in Assisted Living Facilities
Department of Social Services
June 8, 2011**

Summary of the Proposed Amendments to Regulation

The State Board of Social Services (Board) proposes to amend its regulations that govern assessment of potential residents (and re-assessment of current residents) of assisted living facilities to make definitions and regulatory language consistent with assisted living facility licensure regulations (22 VAC 40 -72).

Result of Analysis

Benefits likely outweigh costs for all proposed changes.

Estimated Economic Impact

The Board's regulations governing assessment in assisted living facilities set the rules for assessment of individuals that may be entering assisted living facilities, as well as re-assessment of individuals who are already residents of assisted living facilities, and set qualifying criteria for individuals that conduct assessments. The Board now proposes to amend these regulations for clarification and so that they comport with current assisted living facility licensure regulations.

The Board, for instance, proposes to remove references to "applicant" and "resident" and replace them with "individual" and also proposes to add language that clarifies when information about auxiliary grants must be given. All of the changes that are proposed for these regulations will either clarify the requirements of the regulations or harmonize the language used with that in the licensure regulations but will not change any current practices. Consequently, no affected entity is likely to incur any costs on account of these regulatory changes. The clarity that these changes bring will, however, benefit individuals who found the language differences between the regulations confusing.

Businesses and Entities Affected

These proposed regulatory changes will affect all 550 licensed assisted living facilities in the Commonwealth as well as 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.