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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-670
VAC Chapter title(s)	Degree Requirements for Family Services Occupational Group
Date this document prepared	October 18, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Acronyms:

- CFR: Code of Federal Regulation

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 63.2-217 of the Code of Virginia provides the State Board of Social Services the general authority to promulgate regulations to carry out the purpose of Title 63.2. Section 63.2-219 of the Code of Virginia gives the State Board of Social Services authority to establish employee entrance and performance standards for local personnel to provide public assistance or social services under Title 63.2.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

Currently, there are no viable alternatives to this regulation.

The agency has considered either removing or reducing the degree requirements. However, these options are not viable because there are currently no other means of ensuring that only qualified employees enter the Family Services Occupational Group.

The current degree requirements outlined in this regulation establish a minimum level of professional qualifications and standards deemed necessary for local employees who work in Family Services occupational roles. Family Services professionals provide direct support to families and the community and work with other local partners external to the local department of social services. These requirements also aid in establishing accepted, consistent behavioral conduct of family services professionals in the course of their duties and at different levels of the occupational group.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments received during the comment period (09/25/2023-10/16/2023).

Commenter	Comment	Agency response
N/A	N/A	N/A

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

- The administrative regulation is necessary for the protection of public health, safety, or welfare of the individuals, families, groups, communities and organizations that are served.
- The regulation is clearly written and specifies minimum education and entrance standards regarding persons that can be employed in a position assigned to the Family Services Occupational Group, which provides direct client services.

- The regulation is consistent with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900, Subpart F), specific to recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The decision of the Virginia Department of Social Services is to retain the regulation as-is without making changes. The regulation, in its present form, aids in supporting local partners by permitting only qualified employees to enter the Family Services Occupational Group. This regulation supports professional qualifications and standards of those local employees who work in Family Services occupational roles who are providing direct support to families and the community and who work with other local partners external to the local department of social services. It also helps to establish accepted, consistent behavioral conduct of family services professionals in the course of their duties and at different levels of the occupational group.

Also, this regulation supports the institution of family and family stability by clarifying that only qualified employees will work with families who need assistance. Changes to these requirements could diminish professional standards.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This regulation applies to the State Board of Social Services adoption of regulation to maintain entrance standards of employees hired and employed by local departments of social services. This regulation is not applicable to small businesses and therefore, will not an impact on small businesses.