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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Board of Social Work, Department of Health Professions
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC140-20
<b>VAC Chapter title(s)</b>	Regulations Governing the Practice of Social Work
<b>Date this document prepared</b>	June 3, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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.*

N/A

## 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.*

Regulations of the Board of Social Work are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be "[t]o promulgate regulations in accordance with the

Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system.”

### 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.*

Licensed issued by the Board of Social Work and the practice of social work are mandated by the Code of Virginia. See Va. Code § 54.1-3700 et seq. There are no alternatives for implementation of the legislative mandates related to the practice of social work other than the promulgation of reasonable regulations that are enforceable and protect the public health and safety.

### Public Comment

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency 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.*

The Notice of Periodic Review was published in the Register on December 20, 2021. Public comment was requested until January 19, 2022, including whether the regulations (i) are necessary for the protection of public health, safety, and welfare or for the economic performance of important governmental functions; (ii) minimize the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) are clearly written and easily understandable. There are 138 persons on the Town Hall notification list for the Board of Social Work. There were no comments during the comment period.

### Effectiveness

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This chapter was in effect as VR620-01-2 before the creation of the Virginia Administrative Code. It has been amended 15 times in the last five years. By adoption of statutory mandates, the General Assembly concluded that licensure of social workers is essential for the protection of health and safety.

### 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).*

The Code of Virginia mandates licensure for social workers. Therefore, the regulatory chapter must be retained. The Board intends to publish a Notice of Intended Regulatory Action to clarify and simplify some requirements, and to specify certain unprofessional conduct seen in disciplinary hearings.

### 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.*

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- (1) There is a continued need for these regulations since the Code requires social workers to hold licenses issued by the Board.
  - (2) The Board has not received any complaints or comments concerning these regulations.
  - (3) Practitioners do not find these regulations overly complex, but the Board will consider whether requirements for licensure, renewal, and training could be simplified.
  - (4) There is no overlap, duplication, or conflict with federal or state law or regulation.
  - (5) This chapter has been amended 15 times in the last 5 years. In its review and rulemaking as a result of this periodic review, the Board will consider any possible amendments that will streamline or clarify regulations in order to minimize the economic impact on small businesses.
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