



Virginia Department of Planning and Budget **Economic Impact Analysis**

18 VAC 125-30 – Regulations Governing the Certification of Sex Offender Treatment Providers

Department of Health Professions

April 25, 2014

Summary of the Proposed Amendments to Regulation

The Board of Psychology (Board) proposes to amend its Regulations Governing the Certification of Sex Offender Treatment Providers to 1) make several clarifying changes to regulatory text, 2) specify that an applicant providing services under supervision must also abide by the regulation’s standards of practice and 3) add romantic relationships with clients or trainees as unprofessional conduct.

Result of Analysis

Benefits likely outweigh costs for these proposed regulatory changes.

Estimated Economic Impact

The Board proposes several clarifying changes to this regulation’s text that will not change any entity’s rights or responsibilities but should make the regulation easier to understand. The Board proposes, for instance, to specify what licensure (doctor of medicine licensure, clinical nurse specialist licensure, etc) would be needed to serve as a supervisor for a sex offender treatment provider trainee, rather than just stating that supervisors shall provide supervision only for sex offender treatment services that they are qualified to render. No entity is likely to incur costs on account of proposed changes that are meant solely to clarify licensure rules. To the extent that these changes may reduce confusion about these rules, interested individuals will benefit.

The current regulation specifies that the regulation’s standards of practice apply to “persons certified by the Board”. Code of Virginia §54.1-2400(7), however, gives the Board the

authority to refuse to issue a certificate for “causes enumerated in applicable law and regulations”... including this regulation’s standards of practice. The Board now proposes to add applicants under supervision to those subject to the standards of practice so that they know they are expected to follow them and may be denied certification if they do not. Trainees are likely to benefit from this change as they are more likely to know to what standards they will be held.

This regulation currently prohibits that certificate holders from engaging in sexual intimacy with clients or with trainees under their supervision. The Board proposes to also prohibit certificate holders from having romantic relationships with these same entities, presumably even if there is no sexual component to the relationship. This change will benefit clients and trainees as it will prohibit relationships where there is an inherent power imbalance.

Businesses and Entities Affected

Board staff reports that the Board currently certifies 408 sex offender treatment providers. All of these entities, as well as any future trainees and certificate holders, will be affected by these proposed regulatory changes.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This regulatory action is unlikely to have an effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action is unlikely to affect the use or value of any private property..

Small Businesses: Costs and Other Effects

No small businesses will incur costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small businesses will incur 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

General: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 14 (2010). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed 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.

Small Businesses: If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

Town Hall ID: Action # 4154/Stage # 6895