



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 15-20 – Regulations Governing Certification and Inspection
Department of Corrections
April 14, 2006

Summary of the Proposed Regulation

The Board of Corrections (board) proposes to amend its Regulations Governing Certification and Inspection to account for changes in the internal structure of its auditing unit. The board proposes to require that correctional facilities and programs provide documentation for any waivers they have obtained. In addition, the board proposes to eliminate the requirement that the auditing unit send enumerated compliance forms to correctional facilities each time they are audited.

Result of Analysis

The benefits likely exceed the costs for this proposed regulatory change.

Estimated Economic Impact

At the time that this regulation was last amended, the Department of Corrections (DOC) division tasked with auditing and inspecting correctional facilities and programs was called the Certification Unit. The board seeks to correct the wording of the regulation to reflect that the title of this division has been changed to the Compliance and Accreditation Unit. There are likely no economic implications to this wording change.

Although not explicitly stated in current regulation, correctional facilities and programs are required to provide any waivers for physical plant deficiencies, that they have obtained from the board, to the Compliance and Accreditation Unit during any audit that occurs during the time period when these waivers are valid. The board proposes to amend current regulation to reflect this practice. Correctional facilities and programs are unlikely to incur any expenses because of this regulatory change.

Currently the Compliance and Accreditation Unit must send, with every notice of impending compliance audit, a copy of the regulations governing audits, a copy of the standard compliance form and a list of all the documentation that may be required during the audit. The board seeks to strike this requirement from the regulation because they have found that it to be unnecessarily, and expensively, repetitive. Instead, the Compliance and Accreditation Unit has assembled notebooks with all paperwork that could conceivably be relevant to the auditing process and has delivered these notebooks to all affected entities.

This change will likely lower the cost of auditing by the sum of the amount that the Compliance and Accreditation Unit has spent to repeatedly copy this regulation and the list of documentation and any extra postage that has been paid to mail the heavier notices. The correctional facilities and programs will, henceforth, be responsible for copying any forms, like the compliance form, that they will need to submit during each audit; the cost associated with this will be transferred rather than eliminated. In any case these costs are all paid out of state funds.

Businesses and Entities Affected

There are 205 correctional facilities and programs in the Commonwealth that are subject to audits under the proposed regulation. Of these facilities and programs, 42 are operated by the state, 84 are operated by localities and 79 are operated by communities.

Localities Particularly Affected

All localities in the Commonwealth are affected by the proposed regulation.

Projected Impact on Employment

The proposed regulation will likely have no impact on employment.

Effects on the Use and Value of Private Property

The proposed regulation affects public entities. No private entities, or their property, will be affected.

Small Businesses: Costs and Other Effects

No small businesses are directly affected by the proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small businesses are directly affected by the proposed regulation.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.H of the Administrative Process Act and Executive Order Number 21 (02). 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, § 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.