



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 35-12 – Public Participation Guidelines
Department of Mental Health, Mental Retardation and Substance Abuse Services
June 15, 2009

Summary of the Proposed Amendments to Regulation

The Mental Health, Mental Retardation and Substance Abuse Services Board (Board) proposes to amend its Public Participation Guidelines to include rulemaking actions taken by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) and to enact a statutorily required name change.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Currently, the “agency” that is subject to these regulations is defined as solely being the Board. Since both the Board and the Department (DMHMRSAS) have regulatory authority, the Board proposes to amend these regulations so that the Department is specifically included in the “agency” definition. This change will benefit the public by ensuring that they have the same opportunity to be involved in the rulemaking process no matter which entity (the Board or the Department) has initiated it. No entity is likely to incur any costs on account of this amendment.

This year the General Assembly passed a law which changed the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral Health and Developmental Services. The Board proposes to amend these regulations to account for this statutory change. DMHMRSAS, and other agencies that have regulations that name DMHMRSAS, will likely incur some one-time costs associated with rewriting regulations and reprinting any promotional materials that mention DMHMRSAS.

Businesses and Entities Affected

This regulatory action will affect all state agencies and private individuals who might be interested in participating in the rulemaking process. DMHMRSAS is unsure of how many entities this might be but reports that, as of May 1, 2009, there were 163 registered Town Hall users that were signed up to receive notice of any regulatory actions from the agency.

Localities Particularly Affected

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

Projected Impact on Employment

This regulatory action will likely have no impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have no affect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no affect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed 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.