



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

22 VAC 30-70 The Virginia Public Guardian and Conservator Program
Department for Aging and Rehabilitative Services
Town Hall Action/Stage: 5537 / 8977
September 28, 2020

Summary of the Proposed Amendments to Regulation

The Department for Aging and Rehabilitative Services (DARS) proposes to: 1) align the regulation with current Code of Virginia requirements and with requirements already in place in contracts between the public guardian program contractors and DARS, and 2) clarify and improve the logic and flow of the regulation.

Background

The Virginia Public Guardian and Conservator Program provides public guardian and conservator services for adults who are incapacitated, indigent, and for whom no other proper or suitable person can be identified who is willing and able to serve as the individual's guardian, or conservator, or both. The program reports it has capacity to provide public guardianship services, public conservatorship services, or both to 1,049 incapacitated adult residents of Virginia who are found by a Virginia circuit court to be (i) incapacitated, and (ii) meet the criteria for public guardianship as set forth in § 64.2-2010 of the Code of Virginia. These services are provided by 13 local public guardian programs, which are operated by local public guardian program contractors under contract with DARS.

Estimated Benefits and Costs

The proposed changes align the regulation with the current Code of Virginia requirements and with requirements already in place in contracts between the public guardian program contractors and DARS, and clarify or improve the logic and flow of the regulation. None of the proposed changes appear likely to alter the current practices followed in the

operation of the program. Thus, no significant economic effect is expected other than improving the clarity of the regulatory language.

Businesses and Other Entities Affected

This regulation applies to 13 local public guardian programs which are operated by local public guardian program contractors under contract with DARS. The number of individuals the program can serve is currently capped at 1,049 incapacitated adult residents.¹ No adverse or disproportional impact is indicated for any of the affected entities.²

Small Businesses³ Affected:

The proposed amendments do not appear to adversely affect small businesses.

Localities⁴ Affected⁵

The proposed amendments do not appear to adversely or particularly affect any localities.

Projected Impact on Employment

The proposed amendments do not appear to affect total employment.

Effects on the Use and Value of Private Property

The proposed amendments do not appear to affect the use and value of private property or the real estate development costs.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 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: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant

¹ Data source: DARS

² Adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined.

³ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁴ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁵ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) 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, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 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 shall be notified.