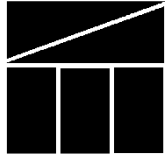


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

22 VAC 40-211 – Resource, Foster and Adoptive Home Approval Standards
Department of Social Services
Town Hall Action/Stage: 3822/7668
March 6, 2017

Summary of the Proposed Amendments to Regulation

The State Board of Social Services (Board) proposes to amend its regulation that governs approval of resource, foster and adoptive homes to: update some definitions and all references to home studies in this regulation, as well as to remove references to respite home providers in places where standards only apply to resource, foster and adoptive homes. The Board also proposes to clarify that required annual in-service training must be completed as a condition of provider re-approval and to change the requirement for a medical physical examination so that it is required within 13 months of provider approval.

Result of Analysis

Benefits likely outweigh costs for all proposed regulatory changes.

Estimated Economic Impact

Current regulation contains many references to home studies that must be done in order to assess the suitability of resource, foster care or adoptive homes providers. Board staff reports that this language is obsolete because the mandated assessment tool since 2013 for providers has been the mutual family assessment (MFA).¹ Board staff also reports that, even though past home study formats are now obsolete, some local Departments of Social Services (LDSS) may have

¹ MFAs became the statewide assessment tool in 2013 but LDSSs in some parts of the state have been using this format longer than that as part of a pilot program.

been using older forms that do not track with MFA requirements. To encourage consistent assessments across all localities and to ensure that LDSSs are clear about what the assessment standards are, the Board now proposes to remove all references to “home studies” in this regulation and replace them with references to ‘mutual family assessments’ (or “MFA”). These changes will benefit all involved parties as it will make the process of provider approval more consistent and predictable. Board staff reports that all forms for the MFA are available on the State Department of Social Services website at no cost; so no LDSSs are likely to incur costs on account of these changes.

Current regulation lumps references to respite care providers in with language that speaks to approval of resource, foster and adoptive home provider approval. Because individuals who are only applying to provide respite care require training (and assessment) on fewer core competencies² than do foster and adoptive home providers,³ the Board now proposes to remove

² The core competencies for respite care providers are: 1. Factors that contribute to neglect, emotional maltreatment, physical abuse, and sexual abuse, and the effects thereof; 2. Conditions and experiences that may cause developmental delays and affect attachment; 3. Reunification as the primary child welfare goal, the process and experience of reunification; 4. Importance of visits and other contacts in strengthening relationships between the child and his birth family, including his siblings; 5. The professional team's role in supporting the transition to permanency and preventing unplanned placement disruptions; 6. Impact of multiple placements on a child's development; 7. Cultural, spiritual, social, and economic similarities and differences between a child's primary family and foster or adoptive family; 8. Preparing a child for family visits and helping him manage his feelings in response to family contacts; 9. Developmentally appropriate, effective, and nonphysical disciplinary techniques; 10. Maintaining a home and community environment that promotes safety and well-being; 11. Promoting a child's sense of identity, history, culture, and values; 12. Respecting a child's connection to his birth family, previous foster families, and adoptive families; and 13. Being nonjudgmental in caring for the child, working with his family, and collaborating with other members of the team. Respite care workers will be trained, and assessed for provider approval, on these competencies.

³ Foster and adoptive home providers are trained and assessed on a longer list of core competencies that include: 1. Factors that contribute to neglect, emotional maltreatment, physical abuse, and sexual abuse, and the effects thereof; 2. Conditions and experiences that may cause developmental delays and affect attachment; 3. Stages of normal human growth and development; 4. Concept of permanence for children and selection of the permanency goal; 5. Reunification as the primary child welfare goal, the process and experience of reunification; 6. Importance of visits and other contacts in strengthening relationships between the child and his birth family, including his siblings; 7. Legal and social processes and implications of adoption; 8. Support of older youth's transition to independent living; 9. The professional team's role in supporting the transition to permanency and preventing unplanned placement disruptions; 10. Relationship between child welfare laws, the local department's mandates, and how the local department carries out its mandates; 11. Purpose of service planning; 12. Impact of multiple placements on a child's development; 13. Types of and response to loss, and the factors that influence the experience of separation, loss, and placement; 14. Cultural, spiritual, social, and economic similarities and differences between a child's primary family and foster or adoptive family; 15. Preparing a child for family visits and helping him manage his feelings in response to family contacts; 16. Developmentally appropriate, effective and nonphysical disciplinary techniques; 17. Promoting a child's sense of identity, history, culture, and values; 18. Respecting a child's connection to his birth family, previous foster families and/or adoptive families; 19. Being nonjudgmental in caring for the child, working with his family, and collaborating with other members of the team; 20. Roles, rights, and

references to respite care providers from regulatory language that sets rules for foster and adoptive home provider approval. These changes will benefit all interested parties as they remove language that might confuse readers as to what is expected of respite care providers. No entities are likely to incur costs on account of these changes.

Current regulation requires annual in-service training for all approved foster and adoptive providers. The Board proposes to specify that providers must complete their required in-service training as a condition of re-approval. Board staff reports that most, if not all LDSSs track in-service completion to ensure that foster and adoptive home providers remain in compliance. To the extent that some LDSSs may not be doing that already, they may incur some small time costs for documenting and tracking in-service training.

Current regulation requires that applicants have a complete physical examination within the 12 months prior to application approval. Because many if not most insurance companies limit coverage of physicals to one in any 12-month period, the Board proposes to change this requirement so that a physical is required in the 13 months prior to approval. This change will benefit applicant providers in that it will eliminate any possibility that they would have to pay out of pocket for a physical that would normally be covered by insurance if it were performed more than 12 months after their last physical.

Businesses and Entities Affected

These proposed regulatory changes will affect all respite care, resource, foster and adoptive homes that require state approval as well as the 120 LDSS's that approve them.

Localities Particularly Affected

LDSSs will be particularly affected only to the extent that they do not already document and track required in-service training for providers. Since in-service training is already required, there are likely few to no LDSSs that do not already complete such documentation.

Projected Impact on Employment

These proposed regulatory changes are unlikely to affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:**Definition**

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.”

Costs and Other Effects

No small businesses are likely to be affected by these proposed regulatory changes.

Alternative Method that Minimizes Adverse Impact

No small businesses are likely to be affected by these proposed regulatory changes.

Adverse Impacts:**Businesses:**

No businesses are likely to be adversely affected by these proposed regulatory changes.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of these proposed regulatory changes.

Other Entities:

No other entities are likely to be adversely affected by these proposed changes.

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 Number 17 (2014). 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(C): 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 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.

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