



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 125-30 – Regulations Governing the Certification of Sex Offender Treatment Providers
Department of Health Professions
April 18, 2008

Summary of the Proposed Amendments to Regulation

The current and proposed regulations require 2,000 hours of post-degree clinical experience in the delivery of clinical assessment/treatment services for sex offender treatment provider certification. The Board of Psychology (Board) proposes to allow applicants for the sex offender treatment provider certification who obtained supervised post-degree clinical experience for a mental health license within the past ten years to receive credit for that experience toward the 2,000 hours required for sex offender treatment provider certification provided that those supervised hours were in the delivery of clinical assessment/treatment services with sex offender clients. Also, the Board proposes to require certified sex offender treatment providers to annually receive at least six hours of continuing education focusing on the treatment of sex offenders to qualify for certification renewal.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Under the current regulations a clinical psychologist or other licensed mental health professional who has supervised experience in treatment and assessment with sex offender clients cannot apply those hours of supervised experience toward the hours of supervised experience required for the sex offender treatment provider certification. In practice, the applicant must repeat those supervised hours for certification. Having to repeat those hours provides a significant cost and deterrent to licensed mental health professionals who may consider seeking certification. There is no clear benefit to requiring these licensed professionals

to repeat such work. Consequently repealing the requirement to repeat this supervised work provides a net benefit through reduced costs and a likely increase in supply of certified sex offender treatment providers to serve the public.

The Board also proposes to initiate a continuing education requirement for annual certification renewal. Specifically, the Board proposes to require six hours of continuing education related to the treatment of sex offenders. According to the Department of Health Professions, 77% of certificate holders already hold a mental health license. All mental health licenses require in excess of six hours of continuing education per annum that could be satisfied by continuing education related to the treatment of sex offenders. Thus, for those 77% of certificate holders the proposed continuing education requirement will not in practice increase the total number hours of continuing education they must take. The proposed requirement does reduce their choice in courses. It does seem reasonable to require that sex offender treatment provider certificate holders remain current in the latest applicable knowledge related to their certification. Data is not available to estimate the benefit of this requirement, but given the minimal cost of reduced choice the benefit likely exceeds the cost.

For those 23% of certificate holders who do not also hold a mental health license and do not otherwise already obtain six hours of continuing education related to the treatment of sex offenders, the proposal will increase costs. More than six hours of applicable continuing education is available at the Annual Training Conference on the Management and Treatment of Sex Offenders in Charlottesville, which costs \$100 for registration. Applicable training is available elsewhere around the Commonwealth.¹ As mentioned above, data is not available to estimate the benefit of the required continuing education, but it is likely valuable.

Businesses and Entities Affected

The proposed amendments affect the 358 certified sex offender treatment providers in the Commonwealth, as well potential future certificate applicants, patients, and continuing education providers. Continuing education providers are typically educational institutions or government agencies and not small businesses. According to the Department of Health Professions most certified sex offender treatment providers work for government agencies.

¹ Source: Department of Health Professions

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposal to allow licensed mental health professionals to apply previous supervised experience toward sex offender treatment provider certification requirements may moderately increase the supply of sex offender treatment providers.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed amendments are unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments are unlikely to significantly affect small businesses.

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 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 2.2-4007.04 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.