



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 35-200 – Regulations for Respite and Emergency Care Admissions to State Mental Retardation Facilities

Department of Mental Health, Mental Retardation, and Substance Abuse Services

July 16, 2001

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G 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. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) proposes the following amendments to the *Regulations for Respite and Emergency Care Admissions to State Mental Retardation Facilities*:

- Changing the maximum length of stay from 35 days to 75 days in a calendar year to conform to current statutory requirements;
- Revising admissions and discharge provisions to clearly state that the case management community service board (CSB) is responsible for processing admissions and developing discharge plans, as required by current law;
- Adding procedures for an applicant to request reconsideration from the Commissioner of Mental Health of any decision to deny respite care admission; and
- Defining additional terms, clarifying existing definitions, and other editorial changes to enhance the clarity of the regulation.

Estimated Economic Impact

The *Code of Virginia* specifies the maximum length of stay for respite and emergency care admissions at 75 days per calendar year and states that CSBs are responsible for processing applications and discharges.¹ Current practice in the field has reflected these requirements for the past twenty years.

According to DMHMRSAS, individuals are currently able to request reconsideration from the Commissioner for respite admission denials. The proposed provision will formalize the current internal procedures. Procedures for reconsideration are not proposed for emergency care admissions given the time-sensitive nature of these cases.

The proposed amendments to this regulation do not represent any change in the criteria used in granting respite or emergency care admission or change any requirements and responsibilities of those involved in the process. Therefore, aside from providing more accurate and up-to-date guidance for seeking and processing such admissions, the proposed changes are not expected to have any economic effects.

Businesses and Entities Affected

The proposed changes to this regulation should not affect any individuals requesting admission, the CSB processing such requests, or the state MR facilities receiving the applications, since they do not represent any change from current practices.

Localities Particularly Affected

The proposed changes to this regulation will not uniquely affect any particular localities.

Projected Impact on Employment

The proposed changes to this regulation are not expected to have any impact on employment in Virginia.

¹ Section 37.1-65.2 of the Code of Virginia, which sets the maximum length of stay for respite and emergency care admissions to state mental retardation facilities was enacted in 1979. Sections 37.1-65.1 and 37.1-197.1, which require the case management CSBs to be responsible for processing admissions and discharges from state facilities, was enacted in 1980.

Effects on the Use and Value of Private Property

The proposed changes to this regulation are not expected to have any effect on the use and value of private property in Virginia.