



Fast Track Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-670
Regulation title	Degree Requirements for Social Work Occupational Group
Action title	Amend Degree Requirements Regulation
Date this document prepared	April 18, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

This regulatory action conforms the regulation to the requirements of Chapter 794 of the Acts of Assembly (2011), which becomes effective July 1, 2013. The regulatory action complies with state law requirements for the social worker title and makes technical corrections.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board of Social Services approved action on 22VAC40-670, Personnel Policies for Local Departments of Social Services, on April 18, 2013.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if

applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 63.2-217 of the Code provides the State Board of Social Services the general authority for the development of regulations to carry out the purposes of Title 63.2. Section 63.2-219 gives the Board authority to specify the requirements for local departments' personnel administration under Title 63.2.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The amendments are necessary to make the regulation consistent with the requirements of state law and to make technical corrections.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Executive Order 14 (2010) allows state agencies to use a fast-track rule making process to expedite regulatory changes that are expected to be non-controversial. The amendments to the regulation incorporate requirements of state law and make technical corrections. As a result, no objections are anticipated.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.) Please be sure to define any acronyms.

The regulation is amended to comply with restrictions on the use of the title "Social Worker" pursuant to Virginia Code § 54.1-3709. The regulation is also amended to incorporate necessary technical changes.

This action is necessary due to the Code changes effective July 1, 2013, which stipulate the title of social worker cannot be used by an individual unless he or she has received "a baccalaureate or master's

degree in social work from an accredited social work school or program approved by the Council on Social Work Education or a doctorate in social work.”

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The advantage of this regulatory action to the agency and to the public is that it makes the regulation consistent with state law and clarifies the requirements for local department employees. There are no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The proposed changes do not contain any requirements that are more restrictive than federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality is particularly affected by the proposed changes.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum:

- 1) the establishment of less stringent compliance or reporting requirements;*
- 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements;*
- 3) the consolidation or simplification of compliance or reporting requirements;*
- 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and*
- 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

One potential alternative is not to amend the regulation to include the requirements of state law. However, leaving the regulation as it is currently written will conflict with the law and will be confusing to local department staff and the public. This is not a viable alternative to amending the regulation. The proposed amendments are not expected to have any adverse impact on small businesses.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	Implementation and enforcement of the amendments to the regulation will not result in any increased cost to the state.
Projected cost of the new regulations or changes to existing regulations on localities.	None
Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.	The amendments to the regulation will affect employees of local departments of social services.
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means 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.	120 local departments of social services
All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	Implementation and enforcement of the amended regulation will not result in any increased cost to the affected individuals, businesses, or other entities.
Beneficial impact the regulation is designed to produce.	Making the regulation consistent with Code will eliminate any possible confusion by local departments and the public.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The action incorporates the requirements of state statutes and clarifies existing requirements. There is no less intrusive or less costly alternative that achieves the purpose of the regulation.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed changes will have no impact on the institution of the family and family stability, rights of parents, self-sufficiency, marital commitment or family income.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the **pre-emergency** regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
22VAC40-670		Specifies the chapter title: Degree Requirements for Social Work Occupational Group	Changed the regulation title by replacing “Social Work” with “Family Services” to comply with requirements of Code of Virginia, §54.1-3709.
22VAC40-670-10		Specifies definitions	<p>Changed all instances of “social work” to “family services” to comply with requirements of Code of Virginia, §54.1-3709.</p> <p>Changed all instances of “social worker” to “Family Services Specialist” to comply with requirements of Code of Virginia, §54.1-3709.</p> <p>Changed “Division of Human Resource Management” to “Division of Human Resources” to distinguish VDSS Division of Human Resources, which has responsibility for local departments’</p>

			<p>compliance with the merit system of personnel administration, from the Virginia Department of Human Resource Management, which has responsibility for state agencies.</p> <p>Changed “organizational group” to “occupational group” to ensure internal consistency within Chapters 670 and 675.</p>
22VAC40-670-20		Specifies the requirements for policy	<p>Changed “board” to “Board” to ensure consistency with references in the Code of Virginia, and within Chapter 670.</p> <p>Changed all instances of “social work” to “Family Services” to comply with requirements of Code of Virginia, §54.1-3709.</p> <p>Changed all instances of local “agency” to local “department” to ensure consistency with references in the Code of Virginia.</p>