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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	22VAC40-221
<b>Regulation title(s)</b>	Additional Daily Supervision Rate Structure
<b>Action title</b>	Review & Amend Additional Daily Supervision Rate Structure
<b>Date this document prepared</b>	August 16, 2017

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Subject matter and intent

*Please describe briefly the subject matter, intent, and goals of the planned regulatory action.*

This regulatory action will provide a comprehensive review of 22VAC40-221, Additional Daily Supervision Rate Structure, including a review of any impact on small business.

The Additional Daily Supervision Rate Structure regulation, 22VAC40-221, provides standards for local departments of social services to determine enhanced maintenance payments for foster and adoptive parents. In addition to the periodic review, an amendment will include extending the amount of time that the uniform rate assessment tool is re-administrated from three months to six months for the purpose of adoption assistance. Additional changes will be considered based on public comment received and further review.

### Legal basis

*Please identify the (1) the agency (includes any type of promulgating entity) and(2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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The state’s legal basis for this action is § 63.2-217 of the Code of Virginia that requires the State Board of Social Services to adopt such regulations as may be necessary to carry out the purpose of Title 63.2.

### Purpose

*Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.*

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The proposed action will incorporate language specific to the administration of the uniform assessment tool for the purpose of adoption by extending the timeframe for re-administration of the uniform rate assessment tool. This regulatory action is necessary to protect the welfare of citizens serving as adoptive placements and those children being placed in adoptive homes by ensuring they receive any enhanced maintenance payments they are due under the uniform rate assessment tool.

### Substance

*Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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The agency is conducting a review of the regulation. In addition, an amendment to the regulation will change the re-administration timeframe of the uniform rate assessment tool from three to six months for the purpose of determining enhanced maintenance for adoption assistance.

### 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.*

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There are no other alternatives to the proposed regulatory action, as the review of this regulation is required. The regulation provides guidance to the LDSS in administering the uniform rate assessment tool.

### Public participation

*Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is \_\_\_\_\_; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.*

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The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

Comments on this regulatory action will be obtained from members of the Child Welfare Advisory Committee (CWAC) and the Permanency Advisory Committee (PAC). These committees consist of a cross section of individuals from various state and local agencies that are impacted by the services provided to children and families involved with the child welfare system.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to **Traci B. Jones, 801 East Main Street, 11<sup>th</sup> Floor, Richmond, Virginia 23219, 804-726-7499, and email [traci.jones@dss.virginia.gov](mailto:traci.jones@dss.virginia.gov).**

Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

A panel will not be used.

### **Periodic review/small business impact review announcement**

*If you wish to use this NOIRA to announce a periodic review (§ 2.2-4017 & EO-17 (2014)) and a small business impact review (§ 2.2-4007.1) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete this section.*

This regulatory action includes a periodic/small business impact review of this regulation. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.