



Virginia Department of Planning and Budget **Economic Impact Analysis**

22 VAC 45-110 Regulations Governing Low Vision
Department for the Blind and Vision Impaired
Town Hall Action/Stage: 5423/8814
April 10, 2020

Summary of the Proposed Amendments to Regulation

The Department for the Blind and Vision Impaired (DBVI) proposes to amend 22 VAC 45-110 *Regulations Governing Low Vision* to update the agency name and clarify definitions, eligibility criteria, and financial participation in cost of services. These clarifications serve to replace outdated language and do not change the substance of the regulation.

Background

Based on a recent review of the regulation, DBVI elects to update language to reflect current usage. The proposed amendments include adding definitions for “DBVI” and “Department,” removing the definition of “consumer,” and clarifying that “Low vision services” means “assistance and supports provided to an individual who has low vision, including pre-examination evaluations, low vision examinations, provision of prescribed low vision aids, and follow up training and counseling in the use of low vision aids.” Although the nature of assistance provided by DBVI has not changed, replacing the term “consumer” throughout the text with “individual who has low vision” or “individual seeking low vision services” would reflect current norms that encourage the use of people-first language.

DBVI also proposes to rename 22 VAC 45-110-50 *Financial participation* as *Financial participation in cost of services* and to add the stipulation that individuals not receiving services through other DBVI programs shall be responsible for the full cost of low vision services. DBVI states that this change reflects current practice and would not impose any new costs on individuals seeking low vision services.

Estimated Benefits and Costs

The proposed amendments benefit readers of the regulation, especially individuals with low vision, their families, caregivers and advocates, by removing outdated terminology and improving the clarity of the language. It does not introduce any additional costs.

Businesses and Other Entities Affected

Readers of the regulation, especially individuals with low vision, their families, caregivers and advocates would be affected. The proposed amendments do not introduce any new costs for businesses or other entities.

Small Businesses¹ Affected

The proposed amendments do not directly affect any small businesses, nor would they face any new costs as a result of the proposed amendments.

Localities² Affected³

The proposed amendments do not disproportionately affect any specific localities, nor introduce new costs for local governments.

Projected Impact on Employment

The proposed amendments are unlikely to cause any changes to total employment.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to affect the use or value of private property. Real estate development costs are unlikely to be affected.

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 14 (as amended, July 16, 2018). 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.

¹ 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.”

² “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

³ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

Adverse impacts: Pursuant to Code § 2.2-4007.04(D): 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.