



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 35-220 – Certification Requirements for Early Intervention Professionals and Early Intervention Specialists
Department of Behavioral Health and Developmental Services
April 12, 2010

Summary of the Proposed Amendments to Regulation

The proposed regulations permanently establish certification requirements for Part C early intervention service providers which have been in effect since November 2009 under emergency regulations.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The proposed regulations permanently establish certification requirements for Part C early intervention service providers which have been in effect since November 2009 under emergency regulations.

The Department of Behavioral Health and Developmental Services (DBHDS) oversees the provision of early intervention services through Part C of the Individuals with Disabilities Education Act. DBHDS contracts with local lead agencies to facilitate implementation of early intervention services statewide. The majority of local lead agencies are under the auspices of Community Services Boards, along with several universities, public health districts, local governments, and local education agencies.

Prior to these regulations, there was no verification process in place to assure that early intervention services were provided by rehabilitation therapists such as physical therapists, psychologists, speech-language pathologists etc. who had the specialized knowledge and experience required to provide these services. In ensuring that rehabilitation therapists are equipped with specialized knowledge related to infants and toddlers, birth to three, who have

disabilities and/or developmental delays such as problems with walking or talking, the proposed regulations are expected help better address the needs of these children. According to DBHDS, approximately 5,000 children are receiving early intervention services at any given month. In a given year, approximately 11,000 different individuals are estimated to receive these services.

One of the main economic effects of the proposed changes will be on the providers wishing to be certified as early intervention therapists. The proposed regulations require licensed traditional rehabilitation therapists to complete a training module covering early intervention principles and practices, including infant and toddler development, family-centered practice and multidisciplinary team practice for certification.

Initial training and testing for certification can be fulfilled by completing online modules that are free. Depending on the practitioner's early intervention knowledge, the training and testing may take up to 10 hours to complete. After initial certification, providers are required to take 30 hours of continuing education classes every three years for renewal of their certification. Thus, the traditional rehabilitation therapists wishing to continue to be certified as early intervention providers will have to absorb costs in terms of their time required to complete initial training and continuing education credits. Some of these costs may be offset by required continuing education for their professional licensure or certification. Additionally, DBHDS believes that most providers may be able take the training and continuing education at no or minimal charge through courses offered by their professional associations, their employers' staff development program, or through training provided by DBHDS. Since November 2009, approximately 850 early intervention providers are certified under the emergency regulations.

Finally, the proposed regulations will create some administrative costs for the Part C program. According to DBHDS, \$250,000 was paid to a contractor to develop early intervention certification training module. In addition, one full time position is devoted to administering the certification activities.

Businesses and Entities Affected

The proposed regulations are expected to affect traditional rehabilitation therapists wishing to be certified as an early intervention services provider and children and families who are receiving these services. Currently, there are approximately 850 certified early intervention providers. There are also approximately 5,000 children receiving early intervention services at

any given month and approximately 11,000 different individuals are estimated to receive these services in a given year.

Localities Particularly Affected

The proposed regulations apply throughout the Commonwealth.

Projected Impact on Employment

Most if not all of the current providers are expected to obtain certification under the current regulations. Thus, no significant change in employment is expected.

Also, contract to develop early intervention certification training module and one full time position to administer the certification activities should be considered a positive impact on employment.

Effects on the Use and Value of Private Property

The proposed regulations do not have a direct effect on the use and value of private property. While compliance costs for certification may have had a negative impact on the asset value of providers, it is not expected to be significant. Also, the contract to develop early intervention certification training module may have had a positive impact on the asset value of the contractor.

Small Businesses: Costs and Other Effects

Most of the early intervention services providers may be considered as small businesses. Thus, all of the costs and other effects discussed above apply to them.

Small Businesses: Alternative Method that Minimizes Adverse Impact

There is no known alternative method that minimizes the adverse impact.

Real Estate Development Costs

The proposed regulations do not have any effect on 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.H of the Administrative Process Act and Executive Order Number 107 (09). Section 2.2-4007.H 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.H 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.