

Office of Regulatory Management
Economic Review Form

Agency name	Virginia Department for Aging and Rehabilitative Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC30-80 and 22VAC30-110
VAC Chapter title(s)	Auxiliary Grants Program and Assessment in Assisted Living Facilities
Action title	Amend Auxiliary Grant and ALF Assessment regulations to comport with changes pursuant to 2023 legislative changes
Date this document prepared	August 3, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Final Exempt

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>This is a final exempt regulatory action necessary to conform to changes in Virginia statutory law where no agency discretion is involved.</p> <p>Direct Costs: \$0</p> <p>Indirect Costs: \$0</p> <p>Direct Benefits: The direct benefit of this action is it brings DARS’ regulations for 22VAC30-80 (Auxiliary Grants (“AG”) Program) and 22VAC30-110 (Assessments in Assisted Living Facilities) into alignment with the revised definition of “assisted living facility” (“ALF”) as set out in § 63.2-100 and derived from Chapters 148 and 149 of the 2023 Acts of Assembly. It also ensures that DARS’ regulations align with the licensing laws, regulations and oversight provided to ALFs by the Department of Social Services.</p> <p>Indirect Benefits: The indirect benefit of this action to comport the definition is it will reduce confusion among local department of social services (LDSS) staff, long-term care (LTC) providers, AG participants, ALF residents, family members of AG participants and ALF residents, and other LTC stakeholders.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	Chapter 148 (HB 1450) and Chapter 149 (SB 798) of the 2023 Acts of Assembly	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>This is a final exempt regulatory action necessary to conform to changes in Virginia statutory law where no agency discretion is involved.</p>
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	<p>Direct Costs: Under the status quo, DARS’ regulations for 22VAC30-80 (Auxiliary Grants Program) and 22VAC30-110 (Assessments in Assisted Living Facilities) would not be in alignment with the revised definition of “ALF” as set out in § 63.2-100 and derived from Chapters 148 and 149 of the 2023 Acts of Assembly. It also means that DARS’ regulations would not be in alignment with the licensing laws, regulations and oversight provided to ALFs by the Department of Social Services.</p> <p>Indirect Costs: Not comports the definition creates confusion among LDSS staff, LTC providers, AG participants, ALF residents, family members of AG participants and ALF residents, and other LTC stakeholders. It also means that DARS’ regulations are not in alignment with the licensing oversight provided to ALFs by the Department of Social Services.</p> <p>Direct Benefits: \$0</p> <p>Indirect Benefits: \$0</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	Chapter 148 (HB 1450) and Chapter 149 (SB 798) of the 2023 Acts of Assembly	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources		

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Local partners for this action include LDSS staff who conduct eligibility determinations for the Auxiliary Grants Program and assessments for ALF admissions/placements.</p> <p>Direct Costs: \$0</p> <p>Indirect Costs: \$0</p> <p>Direct Benefits: The direct benefit of this action is it brings DARS’ regulations for 22VAC30-80 (Auxiliary Grants (“AG”) Program) and 22VAC30-110 (Assessments in Assisted Living Facilities) into alignment with the revised definition of “assisted living facility” (“ALF”) as set out in § 63.2-100 and derived from Chapters 148 and 149 of the 2023 Acts of Assembly. It also ensures that DARS’ regulations align with the licensing laws, regulations and oversight provided to ALFs by the Department of Social Services.</p> <p>Indirect Benefits: The indirect benefit of this action to comport the definition is it will reduce confusion among local department of social services (LDSS) staff, long-term care (LTC) providers, AG participants, ALF residents, family members of AG participants and ALF residents, and other LTC stakeholders.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance	N/A	
(5) Information Sources	Chapter 148 (HB 1450) and Chapter 149 (SB 798) of the 2023 Acts of Assembly	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Families that would be impacted by this action include current or potential Auxiliary Grants recipients, current or potential residents of ALFs, and their families and friends.</p> <p>Direct Costs: \$0</p> <p>Indirect Costs: \$0</p> <p>Direct Benefits: The direct benefit of this action is it brings DARS’ regulations for 22VAC30-80 (Auxiliary Grants (“AG”) Program) and 22VAC30-110 (Assessments in Assisted Living Facilities) into alignment with the revised definition of “assisted living facility” (“ALF”) as set out in § 63.2-100 and derived from Chapters 148 and 149 of the 2023 Acts of Assembly. It also ensures that DARS’ regulations align with the licensing laws, regulations and oversight provided to ALFs by the Department of Social Services.</p> <p>Indirect Benefits: The indirect benefit of this action to comport the definition is it will reduce confusion among local department of social services (LDSS) staff, long-term care (LTC) providers, AG participants, ALF residents, family members of AG participants and ALF residents, and other LTC stakeholders.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources	Chapter 148 (HB 1450) and Chapter 149 (SB 798) of the 2023 Acts of Assembly	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Small businesses who would be impacted by this action include some ALFs.</p> <p>Direct Costs: \$0</p> <p>Indirect Costs: \$0</p> <p>Direct Benefits: The direct benefit of this action is it brings DARS’ regulations for 22VAC30-80 (Auxiliary Grants (“AG”) Program) and 22VAC30-110 (Assessments in Assisted Living Facilities) into alignment with the revised definition of “assisted living facility” (“ALF”) as set out in § 63.2-100 and derived from Chapters 148 and 149 of the 2023 Acts of Assembly. It also ensures that DARS’ regulations align with the licensing laws, regulations and oversight provided to ALFs by the Department of Social Services.</p> <p>Indirect Benefits: The indirect benefit of this action to comport the definition is it will reduce confusion among local department of social services (LDSS) staff, long-term care (LTC) providers, AG participants, ALF residents, family members of AG participants and ALF residents, and other LTC stakeholders.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0

(3) Other Costs & Benefits (Non-Monetized)	N/A
(4) Alternatives	This is a final exempt regulatory action necessary to conform to changes in Virginia statutory law where no agency discretion is involved.
(5) Information Sources	Chapter 148 (HB 1450) and Chapter 149 (SB 798) of the 2023 Acts of Assembly

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved	Initial Count	Additions	Subtractions	Net Change
22VAC30-80-10 (Definitions)	0	0	0	0
22VAC30-110-10 (Definitions)	0	0	0	0

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length