



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

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**22 VAC 45-51 – Regulations Governing Provision of Services in Vocational Rehabilitation**  
**22 VAC 45-50 – Regulation Governing Provision of Services in Vocational Rehabilitation**  
**(to be repealed)**

**Department of Blind and Vision Impaired**

March 17, 2014

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### **Summary of the Proposed Amendments to Regulation**

The Commissioner for the Department of Blind and Vision Impaired (DBVI) proposes to repeal the Department's regulation that governs vocational rehabilitation services (22 VAC 45-50) and replace it with a regulation (22 VAC 45-51) that has been reorganized and updated and that additionally has one substantive change. Specifically, the Commissioner proposes to repeal language which specifically mentions provision of services for American Indians.

### **Result of Analysis**

Benefits outweigh costs for all proposed regulatory changes.

### **Estimated Economic Impact**

The current regulation that governs DBVI's provision of vocational rehabilitation services was last amended in 1990. Since then, much of the language in the regulation has become obsolete... including the name of the agency the Commissioner heads which used to be known as the Department for the Visually Handicapped. Because this regulation is so substantially out-of-date, the Commissioner now proposes to repeal it and promulgate a new regulation that updates and reorganizes sections so that information is easier to find. No entity is likely to incur costs on account of this reorganization; all affected entities are likely to benefit from having this regulation updated so that it correctly reflects terminology that has changed since 1990 as this will reduce possible confusion.

The Commissioner also proposes to repeal language in current regulation which specifies that American Indians will be provided vocational rehabilitation services to the same extent, and

in the same fashion, as other eligible individuals (this language is in 22 VAC 45-50-70). DBVI staff reports that this language is being removed because it only applies to federally recognized Indian tribes and Virginia has no such tribes. The newly promulgated regulation will retain language that prohibits discrimination against any individual who seeks vocational rehabilitation services. Because of this, no American Indian who is a citizen of the Commonwealth, and is also a citizen of a federally recognized Indian tribe based in another state, is likely to be denied services on account of the repeal of 22 VAC 45-50-70.

### **Businesses and Entities Affected**

These proposed regulatory changes will affect all individuals who receive vocational rehabilitation services through DBVI. There are currently approximately 1,400 such individuals in the Commonwealth.

### **Localities Particularly Affected**

No locality will be particularly affected by these proposed regulatory changes.

### **Projected Impact on Employment**

These proposed regulatory changes are unlikely to significantly affect employment.

### **Effects on the Use and Value of Private Property**

These proposed regulatory changes are unlikely to affect the use and value of private property.

### **Small Businesses: Costs and Other Effects**

No small business in the Commonwealth is likely to incur costs on account of these proposed regulatory changes.

### **Small Businesses: Alternative Method that Minimizes Adverse Impact**

No small business in the Commonwealth is likely to incur costs on account of these proposed regulatory changes.

### **Real Estate Development Costs**

These proposed regulatory changes are unlikely to affect real estate development costs.

## Legal Mandate

**General:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 14 (2010). Section 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:

- the projected number of businesses or other entities to whom the proposed 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.

**Small Businesses:** If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- 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,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 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 (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

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