

**Agencies, Boards, and Commissions: please fill out this form when proposing new or amended regulations for the purpose of informing the public and business community. All proposed regulations, even if an exemption applies, must have this form attached when submitting to the Registrar of Regulations.**

Date 5/31/16 Agency Dept. of State Division/Office Div. of Pro. Reg.

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Regulation # 3000 Title Board of Mental Health and Chemical Dependency Professionals

### Exemptions

- Exemption A:* This proposed regulation is **not subject to Chapter 104, Title 29 of the Delaware Code**, because it will not apply to small businesses or individuals at all.
- Exemption B:* The agency, board, or commission is exempt from completing the RFA and Impact Statement due to the nature of the proposed regulation.

Choose the reason for exemption:

- B1.* This proposed regulation is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses. Explain this conclusion:
- B2.* This is an emergency regulation pursuant to **29 Del.C. §10119**.
- B3.* This proposed regulation is exempt from the procedural requirements of the Administrative Procedures Act, **29 Del.C. §10113(b)**. Choose which reason:
- B3a.* Descriptions of agency organization, operations and procedures for obtaining information
  - B3b.* Rules of practice and procedure used by the agency
  - B3c.* Delegations of authority to subordinates
  - B3d.* Nonsubstantive changes in existing regulations to alter style or form or to correct technical errors
  - B3e.* Amendments to existing regulations to make them consistent with changes in basic law but which do not otherwise alter the substance of the regulations
  - B3f.* Codifications of existing agency or judicial principles of decision derived from previous decisions and rulings

- B4. This proposed regulation defines standard of conduct or qualifications of individuals applying for licensure or as licensed professionals. Identify which professional license or professional qualification this would apply to:

Delaware licensed mental health counselors, licensed chemical dependency professionals, and licensed marriage and family therapists.

- B5. Regulations that are required by federal law and/or have already complied with the federal Regulatory Flexibility Act, 5 U.S.C. § 601 et seq. *(If this is checked, the agency, board, or commission shall cite the federal law, regulation, directive, or guidance strictly mandating such state regulation and shall attach any applicable Federal RFA related to the regulation, if available. Attach the Federal RFA statement to this form, or provide the URL):*

***End of Exemption Section***

# Regulatory Flexibility Analysis

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State agencies, boards, and commissions proposing to adopt or amend a regulation that is substantially likely to impose additional costs or burdens upon individuals and/or small businesses shall consider, where **applicable, lawful, feasible and desirable**, the following methods of reducing the additional costs and burdens of proposed regulations **on individuals and small businesses**:

1. The establishment of less stringent compliance or reporting requirements;
2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements;
3. The consolidation or simplification of compliance or reporting requirements;
4. The establishment of performance standards to replace design or operational standards required in the proposed regulation;
5. The exemption of certain individuals or small businesses from all or part of the requirements contained in the proposed regulation; and
6. Such other alternative regulatory methods that will accomplish the objectives of the proposed regulation while minimizing the adverse impact upon individuals and small businesses.

Explain whether each of the above methods would be applicable, lawful, feasible, and desirable to reduce the costs or burdens of the proposed regulation:

1.	
2.	
3.	
4.	
5.	
6.	

If the above RFA section does not address each of the six methods and there is not an exemption that applies, explain why the agency, board, or commission decided it was not applicable, lawful, feasible, and desirable to complete the RFA section above:

A large, empty rectangular box with a thin black border, intended for the user to provide an explanation if the RFA section above does not address the six methods and there is no applicable exemption.

***End of Regulatory Flexibility Analysis Section***

# Regulatory Impact Statement

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Any agency, board, or commission that proposes to adopt or amend a regulation that is substantially likely to impose additional costs or burdens upon individuals and/or small businesses must submit the below Regulatory Impact Statement (RIS).

- Reference the statutory provision that allows for the adoption or amendment of the regulation and the statutory provisions that address the subject matter of the regulation. In addition, provide the URL to the specific section of the Delaware Code to allow the public easy access to view the provision.
  - Statutory Citation: \_\_\_\_\_
  - URL: \_\_\_\_\_
  - Subject Matter Statutory Citation: \_\_\_\_\_
  - URL: \_\_\_\_\_

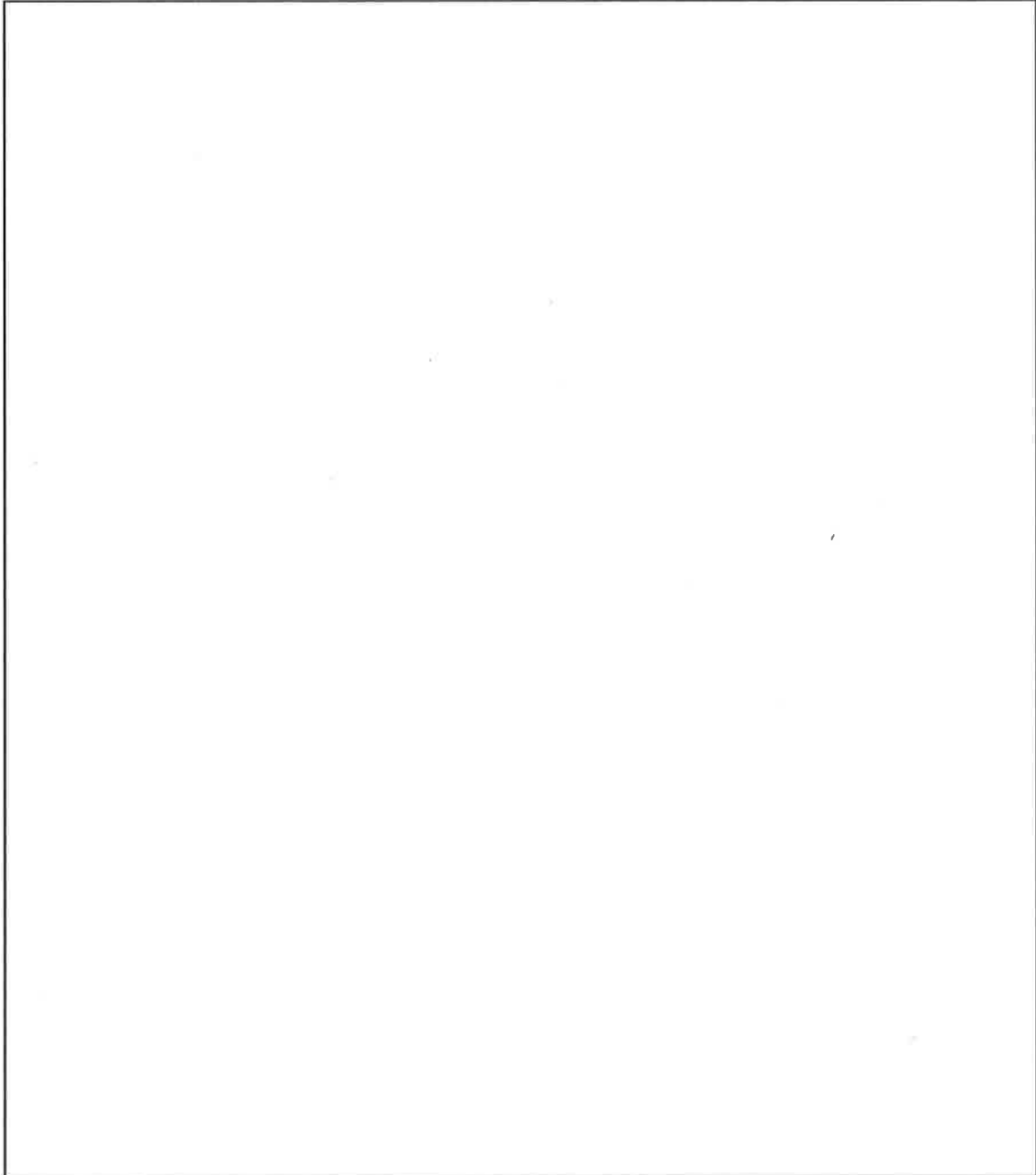
- Describe the purpose of the proposed regulation (what is the need for the proposed regulation?):

- What are the anticipated benefits of the proposed regulation? (Describe the benefits that are expected to accrue as a result of the implemented regulation). Please quantify such benefits, as feasible:

- Identify the types of individuals and/or small businesses that would be subject to compliance under the regulation:

- Provide a **good-faith estimate** of the potential cost of compliance for individuals and/or small businesses, which at minimum shall include the projected reporting, recordkeeping, and other administrative costs required to comply with the proposed regulation. Use the below space for a free-text response (*Cost Estimate Option 1*) or, use the questionnaire below to guide the response (*Cost Estimate Option 2*):

***Cost Estimate Option 1:***

A large, empty rectangular box with a thin black border, intended for a free-text response to the cost estimate question.

	<i>Cost Estimate Option 2</i>	Yes	No	Unknown
1	Is this regulation being proposed to implement a state or federal program that provides funds to Delaware?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2	If this regulation is not implemented, will individuals, businesses, or programs lose federal funding?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3	Does this regulation implement a plan that has already been approved by the federal government, after an opportunity for public comment?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4	Does this regulation follow industry standards and best practices?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5	Are there potential costs in not establishing these standards?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6	Does the regulation require capital costs (building costs, material costs, upgrades to property or structures, retrofitting of systems, etc.)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7	Does the regulation require additional recurring costs on small businesses or individuals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8	Does the regulation impose additional administrative burden for a small business or individual?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8a	If answering yes to #8, is it ongoing reporting or one time? (Choose answer) <input type="radio"/> Ongoing <input type="radio"/> One Time <input type="radio"/> Unknown			
8b	If answering yes to #8, generally, how much administrative effort will be required to comply with the regulation? <input type="radio"/> Large Amount <input type="radio"/> Small Amount <input type="radio"/> Unknown			
9	Does the regulation require new or changed record keeping that will create new processes or change processes already in place for small businesses or individuals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<i>Cost Estimate Option 2 (continued)</i>		Yes	No	Unknown
10	Would a small businesses or individual be required to hire an outside professional to comply with the proposed regulation (such as an attorney, accountant, tax advisor, environmental consultant, engineering firm, etc.)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10a	If answering yes to #10, estimate how many hours an outside professional may be needed to assist			
10b	If answering yes to #10, will a small business or individual be required to retain the services of the outside professional on an ongoing basis?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11	Does the regulation require small businesses to purchase goods or services that are unusual or not commercially reasonable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12	Does the regulation require that small businesses exceed commercially reasonable data storage and transmission standards?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13	Will small businesses have to hire additional employees in order to comply with the proposed regulation?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14	Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15	Does the regulation have the effect of creating additional licenses, taxes and/or fees for small businesses?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16	Does the regulation require small businesses to obtain additional education to keep up to date with regulatory requirements?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17	Please further explain any additional costs or burdens, which at a minimum shall include the projected reporting, recordkeeping, and other administrative costs required to comply with the proposed regulation.			



- Provide a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation, and why these methods were not preferred to a regulation:

- *(Optional)* Estimate the amount of agency, board, or commission staff hours it took to prepare this RFA and RIS statement:

- *(Optional)* Agencies are encouraged to list trade or industry groups, small businesses, or other stakeholders such as currently regulated parties that were consulted by the agency, board, or commission in preparing this RFA and RIS. The agency, board, or commission is further encouraged to send them a copy of the RFA and RIS upon completion:

***End of Regulatory Impact Statement Section***