Department of Planning and Budget
2022 Fiscal Impact Statement

1. **Bill Number:** HB282

    House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

    Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** Coyner

3. **Committee:** General Laws and Technology

4. **Title:** Criminal records; effect of criminal convictions on licensure, data to be included in report.

5. **Summary:** Provides for consideration of certain factors to be made by any regulatory board prior to denying an application for licensure, certification, or registration where such denial was made in whole or in part upon the existence of the applicant's criminal record. The bill requires the boards to complete individual assessments of each such denial within 90 days of receiving an application. The bill also requires the Department of Professional and Occupational Regulation to include certain data related to the criminal history of applicants to each agency's boards in its biennial report. The bill contains technical amendments and a delayed effective date for the biennial report data of July 1, 2025.

6. **Budget Amendment Necessary**: Yes, Item 369 of HB30/SB30 as introduced. See item 8.

7. **Fiscal Impact Estimates:** Preliminary.

    7a. Expenditure Impact:

Fiscal Year	Dollars	Positions	Fund
2023	$1,082,422	10.0	09222
2024	$1,082,422	10.0	09222
2025	$1,082,422	10.0	09222
2026	$1,082,422	10.0	09222
2027	$1,082,422	10.0	09222
2028	$1,082,422	10.0	09222
2029	$1,082,422	10.0	09222

8. **Fiscal Implications:** *This fiscal impact statement is revised to reflect anticipated costs associated with proposed §54.1-204 occurring beginning in FY 2023, as the delayed effective date pertains to only the biennial report.* This bill increases the administrative responsibilities of the Department of Professional and Occupational Regulation (DPOR) by requiring the compilation and reporting of criminal history data for all regulatory boards within DPOR. The department currently manages 20 boards, which collectively oversee the professional credentials of more than 319,000 individuals. This bill would require all regulatory boards to complete individualized assessments of criminal records within 90 days of receiving an application, whereas Section 2.2-4021, Code of Virginia, the Administrative

Process Act, allows 90 days from the date of the informal fact-finding conference for a case decision.

DPOR anticipates that the regulatory boards will need to meet more frequently in order to meet the 90 day assessment deadline for criminal history review and application decisions. DPOR estimates that at least 35 additional board meetings will need to be conducted, at a cost of $112,900 annually. Additionally, DPOR anticipates needing 10 additional classified positions including five pay band 3 Administrative Assistant positions to handle the additional meeting logistics, document preparation, criminal history review, and data compilation; and two pay band 4 Post Adjudication and Licensing Specialists, two pay band 5 Hearing Officers, and one pay band 4 Administrative Coordinator to conduct Informal Fact Finding Hearings, prepare and draft summaries and recommendations including Final Orders when needed, transmit cases onto the boards' agendas, and attend board meetings. Based on current pay scales, DPOR estimates total salary and benefits for the 10 positions will be $969,522.

Additionally, DPOR anticipates that the regulatory boards' cash and revenue will not be sufficient to cover the costs associated with this legislation, and that therefore license fees will need to be increased accordingly. Based on FY 2022 appropriations and positions, it is anticipated that the department could absorb these costs without a budget amendment. However, the cumulative impact of current hiring trends and additional legislation will likely require an increase to both positions and appropriations.

9. **Specific Agency or Political Subdivisions Affected:** Department of Professional and Occupational Regulation.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.