



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 5-67 – Regulations Governing the Advance Health Care Directive Registry
Department of Health
May 11, 2011

Summary of the Proposed Amendments to Regulation

Pursuant to Chapters 301 and 696 of the 2008 Acts of Assembly, the Board of Health (Board) proposes to establish regulations to govern the Advance Health Care Directive Registry.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Section 54.1-2995.D of the Code of Virginia directs the Board to promulgate regulations to (i) determine who may access the registry, (ii) ensure that registry users are annually reminded of which documents they have registered, and (iii) address fees for filing a document with the registry. For (i), the proposed regulations state that “The person registering documents may specify a legal representative or other persons to have access to such documents. It shall be the responsibility of the person registering to provide all such persons with the information necessary to access the registry. In accordance with patient authorization, health care professionals may have access to the registry.”

For (ii), the proposed regulations state that “The department shall ensure that the contracted vendor, public-private partnership, or any other entity through which the department has made the registry available to citizens of the Commonwealth annually contacts persons who have registered documents to remind them of which documents they have registered.”

For (iii), the proposed regulations state that “The person submitting documents to the registry shall be responsible for payment of any fee required by the contracted vendor, public-private partnership, or any other entity through which the department has made the registry

available to citizens of the Commonwealth. Fees associated with the registry shall not exceed the direct costs associated with the development and maintenance of the registry and with the education of the public about the availability of the registry.” According to the Department of Health, Microsoft and Univel have agreed to maintain the registry for no charge.

The optional use of the registry is established by statute. The proposed regulations help enable the use of the optional registry with no burdensome requirements. Thus, the benefits of the proposed regulations exceed the costs.

Businesses and Entities Affected

Healthcare providers and all Virginians who may wish to keep records in the Advance Health Care Directive Registry are potentially affected.

Localities Particularly Affected

The proposed regulations do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed regulations are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

The proposed regulations help enable the optional beneficial use of private records.

Small Businesses: Costs and Other Effects

The proposed regulations are unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulations are unlikely to significantly affect small businesses.

Real Estate Development Costs

The proposed regulations are unlikely to significantly affect 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 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 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 2.2-4007.04 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.