



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 60-20 – Regulations Governing the Practice of Dentistry
Department of Health Professions
August 27, 2007

Summary of the Proposed Amendments to Regulation

The Board of Dentistry (Board) proposes to amend its Regulations Governing the Practice of Dentistry so that the Board, the Board's president or the president's designee can delegate, to an agency subordinate, the authority to hear disciplinary cases involving Board licensees.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Current regulation allows the entire Board of Dentistry (Board) to delegate informal fact-finding proceedings (in disciplinary cases) to an agency subordinate once the Board determines that "probable cause exists that a practitioner may be subject to disciplinary action". This proposed regulatory change will also allow the President of the Board, or his designee, to delegate disciplinary fact finding hearings if the Board does not do so when the finding of probable cause is made. Under current regulation and under this proposed regulation, the recommendations of an agency subordinate would have to be confirmed by the full Board.

Although the Board has had the ability to delegate authority in disciplinary matters for some time, it has not done so in any cases thus far. The Department of Health Professions (DHP) expects that use of agency subordinates in disciplinary cases will likely increase once this regulatory change is promulgated. To the extent this regulatory change increases the number of

cases delegated to agency subordinates, the Board's regulated entities as well as the general public are likely to benefit.

Qualified agency staff, or individual Board members, who would be used as agency subordinates are likely to have more flexible schedules which would allow them to convene fact finding proceedings more quickly than if the entire Board had to find time to meet. Because of this, rules that allow delegation to agency subordinates would likely result in disciplinary cases being resolved in a more timely manner. Individuals who have filed complaints against a licensee benefit from this regulatory change because these individuals will have their complaints resolved more quickly. The general public will likely, because of this regulatory change, have more expeditious access to information (disciplinary hearing outcomes) which might affect their health care decisions. Regulated entities will likely also benefit if disciplinary cases against them can be resolved more quickly. If they are innocent of any wrongdoing, quicker proceedings will allow them to clear their names more quickly. If, on the other hand, regulants have transgressed the rules that govern dentistry, fact finding by an agency subordinate will allow them to get, and therefore finish, their punishment more quickly.

DHP reports that costs associated with fact finding proceedings may slightly decrease because of the proposed regulation. Full board meetings, for instance, would be less likely to be extended to accommodate disciplinary proceeding that might more appropriately be handled by an agency subordinate. This will save the Board members time and will save the agency the costs associated with organizing the Board meeting for an extended time.

Businesses and Entities Affected

This proposed regulatory change will likely affect any Board regulants who are, or will be, the subject of disciplinary proceedings. Last year, the Board presided over 56 such proceedings. Other individuals who have an interest in the outcome of disciplinary proceedings will likely also be affected.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory change.

Projected Impact on Employment

This proposed regulatory change will likely not affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

This proposed regulation will likely have no substantive impact on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any extra expenses on account of this proposed regulatory change.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any extra expenses on account of this proposed regulatory change.

Real Estate Development Cost

This proposed regulation is unlikely to affect real estate development costs in the Commonwealth.

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.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H 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.H 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.