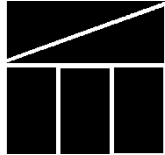


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes¹ Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

18 VAC 115-15 Regulations Governing Delegation to an Agency Subordinate
Department of Health Professions
Town Hall Action/Stage: 5301 / 8647
July 22, 2019

Summary of the Proposed Amendments to Regulation

The Board of Counseling (Board) proposes to clarify that cases involving standard of care may only be delegated to an agency subordinate by determination of the executive director in consultation with the Board chair and that authority now covers “registered” professions.

Background

This action results from a periodic review of the regulation.² Current language states that that cases involving standard of care may only be delegated to an agency subordinate by the “probable cause committee” in consultation with the Board chair. However, the Board’s bylaws have not included a probable cause committee for some time, and such cases have been delegated by the executive director in consultation with the Board chair instead. In addition, the current delegation language covers professions certified or licensed by the Board, but omits “registered” professions. Since the Board now “registers” peer recovery specialists and qualified mental health professionals, the word “registered” is proposed to be added.

¹ Adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined.

² <https://townhall.virginia.gov/l/ViewPReview.cfm?PRid=1670>.

Estimated Benefits and Costs

The proposed amendments are technical and clarifying in nature reflecting current practices. Thus, no significant economic impact is expected from this action other than improving the clarity of the regulation.

Businesses and Other Entities Affected

This regulation applies to 35,930 entities regulated by the Board. The number of cases delegated to an agency subordinate have been less than 10 historically, but with the addition of approximately 15,000 newly registered professionals, the number of such cases would likely increase.

Localities³ Affected⁴

The proposed action is not expected to disproportionately affect any locality, nor introduce costs for local governments.

Projected Impact on Employment

The proposed action would not affect employment.

Effects on the Use and Value of Private Property

The proposed action would not affect the use and value of private property or real estate development costs.

Adverse Effect on Small Businesses⁵:

The proposed action would not adversely affect small businesses.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 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: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

³ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁴ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

⁵ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Adverse impacts: Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) 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, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 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 shall be notified.