



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 60-20 – Regulations Governing the Practice of Dentistry and Dental Hygiene
Department of Health Professions
May 13, 2010

Summary of the Proposed Amendments to Regulation

Pursuant to Item 303 of the 2009 Appropriation Act and Chapter 405 of the 2010 Acts of Assembly, the Board of Dentistry proposes to require that mobile dental clinics: 1) register with the Department of Health Professions (Department), 2) pay an initial \$250 application fee and an annual \$150 renewal fee, 3) provide the Department with the locations of where services are provided, and identity and license numbers of staff, 4) have a written agreement for emergency follow-up care for patients to include identification of and arrangements for treatment in a dental office which is permanently established within a reasonable geographic area, 5) certify that that the facility or operation has access to communication facilities that enable the dental personnel to contact assistance in the event of a medical or dental emergency, 6) certify that the facility has a water supply and all equipment necessary to provide the dental services to be rendered therein, 7) certify that the facility or operation conforms to all applicable federal, state and local laws, regulations and ordinances, 8) certify that the applicant possesses all applicable city or county licenses or permits to operate the facility, 9) obtain written consent from the patient, parent, guardian or authorized representative prior to treatment, 10) provide each patient with an information sheet that includes information such as description of the treatment rendered, names of staff providing treatment, billed service codes and fees, description of any additional dental needs diagnosed, referral recommendation to another dentist if the facility or operation is unable to provide follow-up treatment, and emergency contact information, and 11) maintain secure records. The proposed regulations also specify that federal, state and local governmental agencies and Dental treatment which is provided without charge to patients or to any third party payer are exempt.

Result of Analysis

There is insufficient data to accurately compare the magnitude of the benefits versus the costs. Detailed analysis of the benefits and costs can be found in the next section.

Estimated Economic Impact

In terms of fees (initial \$250 application fee and an annual \$150 renewal fee) and paperwork (listed in above summary) there are non-negligible new costs associated with the proposed new requirements for mobile dental clinics, but the costs are not likely large enough to discourage most potential for-profit clinics. Given that treatment which is provided without charge to patients is exempt and that the costs are not likely large enough to discourage most potential for-profit clinics, the proposed regulations are unlikely to result in diminished dental services.

The required registration, fees, recordkeeping, and associated procedures for mobile dental clinics do likely provide benefits for the public in that there is greater accountability for the dental services being provided and increased assurance that follow-up care has been arranged. The degree to which mobile clinics would provide necessary information for follow-up care and quality service without these proposed requirements is not known. Thus an accurate estimate of the magnitude of the benefits cannot be definitively established.

Businesses and Entities Affected

The proposed amendments affect the two current mobile dental clinics in Virginia plus any potential future mobile dental clinics. According to the Department, the larger current mobile dental clinic primarily serves children at schools throughout the Commonwealth, while the other current mobile dental clinic primarily serves older adults in central Virginia.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposal amendments do raise costs for mobile dental clinics, but likely not enough to significantly affect total employment.

Effects on the Use and Value of Private Property

The proposed amendments increase costs for mobile dental clinics through an application fee of \$250 and an annual renewal fee of \$150, as well as required paperwork and recordkeeping.

Small Businesses: Costs and Other Effects

Essentially all dental clinics qualify as small businesses. The proposed amendments increase costs for mobile dental clinics through an application fee of \$250 and an annual renewal fee of \$150, as well as required paperwork and recordkeeping.

Small Businesses: Alternative Method that Minimizes Adverse Impact

There are no clear alternatives that both satisfy the legislative mandate and reduce costs.

Real Estate Development Costs

The proposed amendments 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 107 (09). 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.